

**MINNESOTA BOARD OF MARRIAGE AND FAMILY THERAPY
STATEMENT OF NEED AND REASONABLENESS**

REVISOR'S ID NUMBER RD4271

GOVERNOR'S OFFICE TRACKING NUMBER RD4271

Proposed Amendments to, Additions to, and Repeal of Rules Governing the Practice of Marriage and Family Therapy, Chapter 5300:

5300.0100 Definitions
5300.0110 License Requirement
5300.0120 Exceptions to License Requirement
5300.0130 Requirements for Licensure
5300.0135 Requirements for Licensure as a Licensed Associate Marriage and Family Therapist (new)
5300.0140 Educational Requirements; Determination of Equivalent Degree
5300.0145 Degrees from Foreign Institutions (new)
5300.0150 Experience Requirements
5300.0155 Persons in Postgraduate Supervised Experience Prior to August 1, 2016 (new)
5300.0160 Requirements for Supervisor
5300.0170 Responsibilities of Supervisor
5300.0175 Licensure Process for Licensed Associate Marriage and Family Therapists
5300.0180 Licensure Process for Licensed Marriage and Family Therapists
5300.0190 Procedures for Admission to the Written Examination
5300.0200 Procedures for Admission to Licensure
5300.0210 Concurrent Applications for Examination and Licensure (repeal)
5300.0230 Requirements for Endorsement
5300.0240 Examination Methods; Subjects and Procedures
5300.0250 Reciprocity
5300.0260 Term of License
5300.0270 Display of License
5300.0280 Renewal of License
5300.0290 Failure to Renew
5300.0300 Reinstatement of License
5300.0310 Voluntary Termination of License
5300.0315 Emeritus License Status
5300.0320 Continuing Education Requirements
5300.0330 Refusal to Grant License, Suspension, or Revocation of License
5300.0340 Variance
5300.0350 Code of Ethics
5300.0355 Assessments, Tests, Reports (new)

INTRODUCTION

The Minnesota Board of Marriage and Family Therapy (“Board”) licenses and regulates licensed marriage and family therapists (“LMFT”) and licensed associate marriage and family therapists (“LAMFT”) in Minnesota. It has been over 15 years since the Board has revised its rules.

The Board proposes to amend its rules for five main purposes: (1) to update the rules with current terminology and to reflect more accurately current statutes, terminology, and practices (“housekeeping amendments and additions”); (2) to update and clarify the Board’s application and licensure rules to reflect current processes and Board expectations (“licensure amendments”); (3) to update continuing education rules to clarify approval processes and to better reflect Board expectations for education and continuing education activities (“educational amendments”); (4) to update the code of ethics to reflect current trends and Board expectations (“ethics amendments”); and (5) to add a rule governing assessment, test, and report requirements that reflect Board expectations for the use and documentation of these tools (“ATR amendment”).

Since its inception in 2012, the Board’s Rules Committee met eight times in properly noticed public meetings to discuss and reach consensus on the proposed rule amendments. Members of the public, including students and a representative from an area educational institution, participated in meetings with the Board’s executive director and Rules Committee.

In order to adopt these proposed rules, the Board must demonstrate that it has complied with all procedural and substantive requirements for rulemaking. These requirements are as follows: 1) there is statutory authority to adopt rules; 2) the rules are necessary and reasonable; 3) all necessary procedural steps have been taken; and 4) any additional requirements imposed by law have been satisfied. This statement demonstrates that the Board has met these requirements.

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make a request, contact:

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Minneapolis, MN 55414
(612) 617-2220
TTY users may call the Department at 1-800-627-3529.

STATUTORY AUTHORITY

Minnesota Statutes, sections 148B.31 and 214.06, authorize the Board to adopt rules necessary to administer and enforce sections 148B.01 to 148B.39 and to set forth procedures and information

required for renewal. Because the Board is not relying on statutory authority recently granted or expanded, Minnesota Statutes, section 14.125 does not apply.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response for each of the five categories of rule amendments.

“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”

The classes of persons most affected by the housekeeping amendments will be LMFTs and LAMFTs and those applying for licensure in the future (“applicants”). The housekeeping amendments have little to no additional cost to licensees and applicants. The public, applicants, and licensees benefit from clarification of the rules.

The classes of persons most affected by the licensure amendments are applicants and supervisors of applicants. As discussed below, the Board is not proposing significant changes to its licensure process. It is clarifying the current expectations with better rule language. The public, applicants, and licensees benefit from clarification of the rules.

The classes of persons most affected by the educational amendments are applicants and current licensees. With respect to the educational rule amendments set forth in Minn. Rule 5300.0140, the classes of persons most affected are applicants. The Board is not proposing a substantive change to the educational requirements, but rather clarifying the language to reflect current trends in mental health education and terminology. With respect to the educational rule amendments set forth in Minn. Rule 5300.0320, the persons most affected are licensees who will be required to complete 40 hours of continuing education every two years instead of the current 30 hours. Licensees will bear the cost of an increase in continuing education. The public, applicants and licensees benefit from the clarification of the rules, and the public will benefit from a more educated licensee base.

The classes of persons most affected by the ethics amendment are licensees and the public, especially clients of the licensees. Licensees benefit from the clarification of the rules, which will better reflect the current ethics expectations of the Board and mental health professions in Minnesota. Moreover, the public, especially clients of licensees, will benefit from a licensees base that has a more clear understanding of the ethical expectations for LMFTs and LAMFTs.

The classes of persons most affected by the ATR amendment are licensees and the public, especially clients of the licensees. This amendment reflects the methodologies currently taught in MFT programs and reflects the consensus of evidence-based mental health care across multiple mental health professions. The public and licensees benefit from a clear expression that these are the Board's expectations for evidence-based decision-making.

“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”

Beyond the costs associated with the Board’s promulgation of these rules, it is not anticipated that implementation and enforcement of these rules will result in additional costs to the Board or any other state agency. Additionally, it is not anticipated that these rules will have any effect on state revenues.

“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”

There is no less costly or less intrusive method of achieving the purposes of the housekeeping amendments. By their nature, they are intended to clarify ambiguities between statute and rule, to reflect current Board processes, and to remove obsolete language. There were no alternatives.

There is no less costly or less intrusive method of achieving the purposes of the licensure amendments. By their nature, they are intended to clarify the licensure process and to give the Board jurisdiction over graduates during the licensure process. There were no alternatives.

There is no less costly or less intrusive method of achieving the purposes of the educational amendments. By their nature, they are intended to reflect current terminology and educational expectations and to reflect an increase in the continuing educational hours required each reporting period to bring Minnesota standards in line with national standards and to bring the Board’s standards in line with the standards applicable to other Minnesota mental health care providers. There were no alternatives.

There is no less costly or less intrusive method of achieving the purposes of the ethics amendments. By their nature, they are intended to reflect current terminology and current ethics expectations. There were no alternatives.

There is no less costly or less intrusive method of achieving the purposes of the ATR amendments. By their nature, they are intended to reflect current methodologies taught in MFT programs and consistent across mental health providers in Minnesota. There were no alternatives.

“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”

The Board did not consider alternative methods for achieving the purposes of the housekeeping amendments. There are no other alternatives to clarify ambiguities between statute and rule, to reflect current Board processes, and to remove obsolete language.

The Board did not consider alternative methods for achieving the purpose of the licensure amendments. There are no alternatives to clarifying the licensure process and to give the Board jurisdiction over graduates during the licensure process.

The Board did not consider alternative methods for achieving the purpose of the educational amendments. There are no alternatives to reflecting current terminology and existing educational expectations. The Board also did not consider not increasing the continuing education requirement to 40 hours every two years. The previous 30-hour requirement was in the bottom quartile for all state continuing education requirements.

The Board did not consider alternative methods for achieving the purpose of the ethics amendments. There are no alternatives to reflecting current terminology and current ethics expectations.

The Board did not consider alternative methods for achieving the purpose of the ATR amendments. There are no alternatives to reflecting current teaching methodologies that are taught in MFT programs and consistent across mental health providers in Minnesota.

“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”

The housekeeping amendments will have little to no cost for governmental units, businesses or individuals.

The licensure amendments will have little to no cost for governmental units, businesses or individuals.

The educational amendments will have some cost to licensees for the additional 10 continuing education hour requirement every two years.

The ethics amendments will have little to no cost for governmental units, businesses or individuals.

The ATR amendments will have little to no cost for governmental units, businesses or individuals.

“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”

The costs and consequences of not adopting the proposed housekeeping amendments will most likely be increased and/or continued inquiries from licensees, facilities, and applicants to the Board about the rule requirements. This has the potential to raise Board staff costs.

The costs and consequences of not adopting the proposed licensure amendments will be increased and/or continued inquiries from licensees, facilities, and applicants to the Board about the licensure process. This has the potential to raise Board staff costs. Moreover, without amendments expressly providing Board jurisdiction over graduates in the licensure process, the Board could face higher litigation costs to establish jurisdiction should one of these individuals be subject to Board action.

The costs and consequences of not adopting the educational amendments will most likely be increased and/or continuing inquiries from licensees, facilities, and applicants to the Board about the licensure process. This has the potential to raise Board staff costs. Moreover, the failure to adopt the increase in continuing education requirements could mean that Minnesota licensees will have significantly fewer continuing education hours per reporting period than the national average, thereby increasing the likelihood that Minnesota licensees have a less educated basis on which to practice marriage and family therapy.

The costs and consequences of not adopting the ethics amendments will most likely be increased and/or continuing inquiries from licensees, facilities, and applicants to the Board about the licensure process. This has the potential to raise Board staff costs. Moreover, because the ethics amendments are based on a study of ethics requirements for other mental health professionals in Minnesota, the failure to adopt the ethics amendments could result in inconsistencies in ethical standards across mental health providers. As a final note, the Board on occasion needs to take disciplinary action on a licensee's license for violations of ethical standards. The Board incurs higher litigation costs when the ethical standards are not clearly articulated and it has to rely on expert testimony, instead of rule language, to establish the standards.

The costs and consequences of not adopting the ATR amendments will most likely be increased and/or continuing inquiries from licensees, facilities, and applicants to the Board about the licensure process. This has the potential to raise Board staff costs. Moreover, because the ATR amendments are based on a study of ATR requirements for other mental health professionals in Minnesota, the failure to adopt the ATR amendments could result in inconsistencies in assessment, testing, and reporting standards across mental health providers in Minnesota.

“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”

None of the proposed amendments are in conflict with any federal regulations.

“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”

The Board has found no cumulative effect with any existing rules and any of the proposed amendments. In 2017, however, MFT will phase into the Health Licensing Boards' fingerprinting process,

so it is possible that, after implementation of the fingerprinting process, the photograph requirement may have a cumulative effect with the fingerprinting process for purposes of verifying the identity of applicants.

PERFORMANCE-BASED RULES

With respect to the housekeeping amendments, the Board is clarifying rule ambiguities, omitting obsolete language, and clarifying current Board practices and expectations. The Board has not decreased the flexibility with any of these rule amendments

With respect to the licensure amendments, the Board is clarifying the licensure process and ensuring that graduates practicing marriage and family therapy are subject to Board jurisdiction at all stages of the licensure process. The Board has not decreased flexibility with any of these rule amendments.

With respect to the continuing education amendments, the Board is (1) amending terminology to reflect current trends in mental health terms and practices, (2) increasing continuing education hour requirements to encourage a more educated licensee base, and (3) updating the manner in which LMFTs and LAMFTs can receive continuing education credits. The Board has not decreased flexibility with any of these proposed rule amendments, and, in some cases, has increased flexibility by, for example, allowing more credit hours for authorship activities.

With respect to the ethics amendments, the Board is (1) clarifying rule ambiguities to ensure that the code of ethics accurately and more clearly reflects Minnesota standards of practice and (2) providing more clear guidance on issues such as e-therapy, minor clients, and inability to practice with reasonable skill and safety due to illness. The Board has not decreased flexibility with any of the proposed amendments. In the case of e-therapy, the Board is expressly codifying the Minnesota standard, which is arguably more flexible than that reflected in current Board language.

With respect to the ATR amendments, the Board is codifying the current methodologies for assessments, use of tests, and reports. These are the methodologies taught in MFT educational programs, used across all types of mental health care providers, and proven most effective for use in mental health care. The Board has not decreased flexibility with any of the proposed amendments.

ADDITIONAL NOTICE

The Board's notice plan includes the following mandated statutory actions:

1. A copy of the Dual Notice and proposed rules shall be mailed to everyone who has registered to be on the Board's rulemaking mailing list under Minnesota Statutes, Section 14.14, subdivision 1a; and

2. A copy of the Dual Notice, proposed rules, and this Statement of Need and Reasonableness shall be mailed to the Legislature according to Minnesota Statutes, section 14.116. The following is a list of the Legislators:
 - a. House – Health and Human Services Finance Committee Chair and Lead;
 - b. House – Health and Human Services Reform Chair and Lead;
 - c. House – Rules and Legislative Administration Chair and Lead;
 - d. Senate – Finance: Health and Human Services Budget Division Chair and Ranking Minority Member;
 - e. Senate – Health, Human Services and Housing Committee Chair and Ranking Minority Member;
 - f. Senate – Rules and Administration Committee Chair and Ranking Majority Member;
 - g. Legislative Coordinating Commission.

Minnesota sections 14.131 and 14.23, require that the Board also describe its efforts to provide additional notice to persons who may be affected by the proposed rules. The Board's Additional Notice Plan includes the following:

1. Since 2012, the Board's Rules Committee has met eight times in properly-noticed meetings to develop the proposed rules. The Board disseminated notice of these public meetings to those who are directly affected by the rules or who expressed an interest in the rules. The Board also posted the meeting dates on its website. Drafts of the proposed rules were distributed and reviewed during these public meetings.
2. On December 1, 2014, the Board posted a draft copy of the proposed rule changes on the Board's website, making it accessible to LMFTs, LAMFTs, students in LMFT programs, state legislators, educational institutions, other health boards, and members of the general public. On December 12, 2014, Board staff sent a blast email to licensees notifying them that the Board posted the proposed rules on its website.
3. The Request for Comments was mailed to all persons on the Board's rulemaking mailing list on November 25, 2014, prior to publication of the Request for Comments in the State Register on December 1, 2014.
4. On December 1, 2014, the Board posted on its website a link to the publication of the Request for Comments in the State Register, making it accessible to LMFTs, LAMFTs, students in LMFT programs, state legislators, educational institutions, other health boards, and members of the general public.
5. The Board will post a draft of this Statement of Need and Reasonableness on the Board's website, <http://mn.gov/health-licensing-boards/marriage-and-family/>. All future notices involving these proposed rules will also be posted on the Board's website.

With the exception of number 1 above, the Board will follow the same procedure outlined above for the Dual Notice and all other notices required throughout the rulemaking process.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Board consulted with Minnesota Management and Budget (MMB)). The documents sent to MMB include the following: the Governor's Office Proposed Rule Form; the proposed rules; and the SONAR. On November 17, 2015, the Board received a memo from Paul Moore, Executive Budget Officer ("EBO") at MMB. The EBO's memo is attached to this SONAR. The Board will also consult with MMB before the Board publishes the Notice of Intent to Adopt.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the Board has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Board was unable to identify any local ordinances or regulations that would require amendment in order to implement the proposed amendments.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

LIST OF WITNESSES

Jennifer Mohlenhoff, Executive Director, Minnesota Board of Marriage and Family Therapy
Herb Grant, Member-Rules Committee, Minnesota Board of Marriage and Family Therapy
John Seymour, Chair-Minnesota Board of Marriage and Family Therapy

RULE-BY-RULE ANALYSIS

In order to facilitate discussion, the following section includes an analysis of each proposed rule amendment.

Housekeeping amendment: Minn. R. 5300.0100, Definitions.

1.3 5300.0100 DEFINITIONS.

- 1.4 Subpart 1. **Scope.** For the purpose of ~~parts 5300.0100 to 5300.0360~~ this chapter,
- 1.5 unless the context otherwise requires, the following terms have the meanings given.
- 1.6 Subp. 2. **Advertising.** Advertising includes, but is not limited to, business
- 1.7 solicitations, with or without limiting qualifications, in a card, sign, or device issued to a
- 1.8 person; in a sign or marking in or on a building; or in ~~a newspaper, magazine, directory,~~
- 1.9 ~~or other printed matter~~ the form of an article or publication in any form of print media.
- 1.10 Advertising also includes business solicitations communicated by individual, radio, video,
- 1.11 television broadcasting, or any other technological means.

- 1.12 [For text of subps 3 to 5, see M.R.]
- 1.13 Subp. 6. [See repealer.]
- 1.14 Subp. 6a. **Emeritus.** "Emeritus" means retired from active practice but retaining
- 1.15 one's license and title.
- 1.16 Subp. 7. **Fee splitting.** "Fee splitting" means the practice of ~~paying commissions to~~
- 1.17 ~~colleagues compensating others~~ for referrals.
- 1.18 Subp. 7a. **LAMFT.** "LAMFT" are the initials ~~permitted to be used by designating~~
- 1.19 a licensed associate marriage and family therapist ~~to designate that the individual is as~~
- 1.20 licensed by the Board of Marriage and Family Therapy ~~to practice within Minnesota.~~
- 1.21 Subp. 8. **Licensee.** "Licensee" means a licensed marriage and family therapist ~~or a~~
- 1.22 ~~licensed associate marriage and family therapist.~~
- 1.23 Subp. 9. **LMFT.** "LMFT" are the initials ~~permitted to be used by designating a~~
- 1.24 licensed marriage and family therapist ~~to designate that the individual is as~~ licensed by the
- 1.25 Board of Marriage and Family Therapy ~~to practice within Minnesota.~~
- 2.1 Subp. 10. **Marriage and family therapy.** "Marriage and family therapy" has the
- 2.2 meaning given in Minnesota Statutes, section 148B.29, subdivision 3.
- 2.3 Subp. 10a. **Multiple relationship.** "Multiple relationship" means a relationship
- 2.4 between a therapist and another person that is both professional and one or more of the
- 2.5 following:
- 2.6 A. cohabitational;
- 2.7 B. familial;
- 2.8 C. one in which there is or has been personal involvement with the person or
- 2.9 a family member of the person that is reasonably likely to affect adversely the person's
- 2.10 welfare or ability to benefit from services; or
- 2.11 D. one in which there is a significant financial involvement other than legitimate
- 2.12 payment for professional services rendered that is reasonably likely to affect adversely the
- 2.13 person's welfare or ability to benefit from services.
- 2.14 Subp. 11. **Postgraduate supervised experience.** "Postgraduate supervised
- 2.15 experience" means supervised experience occurring after the educational institution
- 2.16 grants the graduate degree or postgraduate certificate for licensure as shown on the
- 2.17 applicant's transcript and all educational requirements specified in part 5300.0140 have
- 2.18 been completed.
- 2.19 Subp. 12. **Regionally accredited.** "Regionally accredited" means ~~that an educational~~
- 2.20 ~~institution has been~~ accredited by the North Central Association of Schools and Colleges,
- 2.21 Middle States Association of Colleges and Schools, New England Association of Schools
- 2.22 and Colleges, Northwest Association of Schools and Colleges, Southern Association of
- 2.23 Colleges and Schools, Western Association of Schools and Colleges, or a postgraduate
- 2.24 academic program in marriage and family therapy ~~accredited by the Commission on~~
- 2.25 ~~Accreditation of the American Association for Marriage and Family Therapy a regional~~
- 3.1 ~~accrediting organization recognized by the Council for Higher Education Accreditation~~
- 3.2 ~~(CHEA).~~
- 3.3 Subp. 12a. **Sexual behavior.** "Sexual behavior" includes sexual contact or any
- 3.4 physical, verbal, written, interactive, or electronic communication, conduct, or act that
- 3.5 may be reasonably interpreted to be sexually seductive, demeaning, or harassing.
- 3.6 [For text of subp 13, see M.R.]
- 3.7 Subp. 14. **Sexual harassment.** "Sexual harassment" ~~includes unwelcome sexual~~
- 3.8 ~~advances, requests for sexual favors, sexually motivated physical contact or other verbal~~
- 3.9 ~~or physical conduct or communication of a sexual nature when- has the meaning given in~~
- 3.10 Minnesota Statutes, section 363A.03, and
- 3.11 ~~A. submission to that conduct or communication is made a term or condition,~~
- 3.12 ~~either explicitly or implicitly, of obtaining employment, public accommodations or public~~

- 3.13 ~~services, education, or housing;~~
 3.14 ~~B. submission to or rejection of that conduct or communication by an~~
 3.15 ~~individual is used as a factor in decisions affecting that individual's employment, public~~
 3.16 ~~accommodations or public services, education, or housing; or~~
 3.17 ~~C. that conduct or communication has the purpose or effect of substantially~~
 3.18 ~~interfering with an individual's employment, public accommodations or public services,~~
 3.19 ~~education, or housing, or creating an intimidating, hostile, or offensive employment,~~
 3.20 ~~public accommodations, public services, educational, or housing environment; and in~~
 3.21 ~~the case of employment, the employer knows or should know of the existence of the~~
 3.22 ~~harassment and fails to take timely and appropriate action.~~
 3.23 Subp. 15. **Supervisee.** "Supervisee" means an individual who is supervised while
 3.24 engaged in a graduate program practicum or internship, or postgraduate, supervised
 4.1 experience under the direction of a supervisor needed to obtain credentialing by the board,
 4.2 or to comply with a board order.
- 4.3 *[For text of subp 16, see M.R.]*
- 4.4 Subp. 17. **Supervisor.** "Supervisor" means an individual who has met the
 4.5 requirements in part 5300.0160, has been credentialed as a supervisor by the board, and
 4.6 takes full professional responsibility for the practice of the supervisee during a specific
 4.7 time to enable the supervisee to meet the requirements of licensing;
 4.8 A. complete a practicum or internship;
 4.9 B. complete a postgraduate supervised experience to obtain credentialing by
 4.10 the board; or
 4.11 C. satisfy a board requirement or order.
- 4.12 *[For text of subp 18, see M.R.]*
- 4.13 Subp. 19. **Therapist.** "Therapist" means a licensee ~~of the board or applicant.~~
 4.14 Subp. 20. **Variance.** "Variance" means permission from the board to comply with a
 4.15 rule in a manner other than that generally specified in ~~parts 5300.0100 to 5300.0360~~
 4.16 this chapter.

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

The inclusion of a "multiple relationship" definition in place of a "dual relationship" definition is to reflect the Board's understanding that relationships between therapist and a client may have more than two aspects, thereby rendering the "dual" language less applicable and specific than "multiple."

The inclusion of the "sexual behavior" language reflects the Board's understanding that inappropriate conduct is more expansive than sexual contact and sexual harassment alone. The Board wants to be clear that all sexual behavior is governed by the Board's rules.

Housekeeping amendment: Minn. R. 5300.0110 License Requirement.

- 4.17 **5300.0110 LICENSE REQUIREMENT.**
 4.18 Subpart 1. **License required.** No person, other than those individuals exempt
 4.19 in Minnesota Statutes, sections 148B.32, subdivision 2, and 148B.38, shall engage in
 4.20 marriage and family therapy practice, advertise the performance of such services, or use
 4.21 a title or description denoting marriage and family therapist without obtaining a license

- 4.22 issued under Minnesota Statutes, sections 148B.29 to 148B.39, and ~~parts 5300.0100 to~~
- 4.23 ~~5300.0360~~ this chapter.
- 5.1 Subp. 2. **Engaging in marriage and family therapy practice, defined.** An
- 5.2 individual engages in marriage and family therapy practice if the individual performs or
- 5.3 offers to perform marriage and family therapy or if the individual is ~~held out~~ presented as
- 5.4 one who is able to perform such a service.

The amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Housekeeping Amendment: Minn. R. 5300.0120 Exceptions to License Requirement

5.5 5300.0120 EXCEPTIONS TO LICENSE REQUIREMENT.

- 5.6 ~~As stated in~~ Under Minnesota Statutes, section 148B.38, those qualified individuals
- 5.7 of other licensed or certified professions or occupations who are performing services
- 5.8 consistent with their training are exempt from parts 5300.0110 to ~~5300.0360~~ 5300.0350 so
- 5.9 long as they do not represent themselves by a title denoting marriage and family therapist,
- 5.10 such as marriage and family therapist, marriage therapist, family therapist, marriage and
- 5.11 family counselor, marriage counselor, or family counselor unless specifically allowed
- 5.12 to do so under Minnesota Statutes, section 148B.32, subdivision 2. Those qualified
- 5.13 individuals listed in Minnesota Statutes, section 148B.38 may advertise ~~the performance~~
- 5.14 ~~of their qualifications to perform~~ marriage and family therapy services.

The amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Housekeeping Amendment: Minn. Rule 5300.0130 Requirements for Licensure

5.15 5300.0130 REQUIREMENTS FOR LICENSURE AS A LICENSED MARRIAGE

5.16 AND FAMILY THERAPIST.

- 5.17 Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the
- 5.18 following requirements:
- 5.19 A. complete the education requirements in Minnesota Statutes, section 148B.33,
- 5.20 subdivision 1, ~~clauses clause~~ (5), items (i) and (ii), and defined in part 5300.0140;

5.21 *[For text of items B to E, see M.R.]*

- 5.22 F. pass ~~both parts of the examination~~ national and state examinations listed
- 5.23 in part 5300.0240.
- 5.24 Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all
- 5.25 requirements in this part shall be denied a license.

The amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Licensure Amendment: Minn. Rule 5300.0135 Requirements for Licensure as a Licensed Associate Marriage and Family Therapist

- 6.1 **5300.0135 REQUIREMENTS FOR LICENSURE AS A LICENSED ASSOCIATE**
- 6.2 **MARRIAGE AND FAMILY THERAPIST.**
- 6.3 Subpart 1. **Requirements.** To be eligible for licensure, an applicant must meet the
- 6.4 following requirements:
- 6.5 A. complete the education requirements in Minnesota Statutes, section 148B.33,
- 6.6 subdivision 1, clause (5), items (i) and (ii), and defined in part 5300.0140;
- 6.7 B. be 18 years of age;
- 6.8 C. agree to conduct all professional activities as a licensed associate marriage
- 6.9 and family therapist as specified in the code of ethics for marriage and family therapists in
- 6.10 part 5300.0350; and
- 6.11 D. pass the national examination as listed in part 5300.0240.
- 6.12 Subp. 2. **Denial of licensure to applicant.** An applicant who fails to meet all
- 6.13 requirements in this part shall be denied a license.

The addition shown above is for clarification purposes. Currently, the Board is licensing LAMFTs but is using rule 5300.0130. The Board proposes this rule to mirror rule 5300.0130 but apply specifically to LAMFTs.

Education amendment: Minn. Rule 5300.0140 Educational Requirements; Determination of Equivalent Degree

- 6.14 **5300.0140 EDUCATIONAL REQUIREMENTS; DETERMINATION OF**
- 6.15 **EQUIVALENT DEGREE.**

6.16 [For text of subp 1, see M.R.]

- 6.17 Subp. 2. **Degrees; course work requirements.** A master's or doctoral degree, or
- 6.18 postdegree graduate certificate or coursework, is equivalent to a master's or doctoral
- 6.19 degree in marriage and family therapy if the degree or coursework is from a regionally
- 6.20 accredited institution, if the degree or graduate coursework is in a related subject field
- 6.21 including mental health, family studies, or human development, and if the degree contains
- 6.22 the following coursework:
- 6.23 A. nine semester hours in human development covering human development
- 6.24 over the life span, child and adolescent or adult development, human behavior, personality
- 7.1 theory, human sexuality, psychopathology including the assessment and diagnosis of
- 7.2 child, adolescent, and adult mental illness, and ~~behavior pathology~~ behavioral disorders;
- 7.3 B. nine semester hours in marital and family studies covering theories of family
- 7.4 development, theories of family functioning, the family life cycle, sociology of the family,
- 7.5 including gender, race, ethnicity, class, and religion, families under stress, contemporary
- 7.6 family forms, family subsystems, and theories of marital and family interaction;
- 7.7 C. nine semester hours in marital and family therapy covering marital and
- 7.8 family communication, family psychology, couples or family therapy, methods of
- 7.9 intervention, couples or family assessment, treatment planning, and sex therapy, ~~major~~
- 7.10 ~~theories of marital and family therapy such as structural, strategic, transgenerational,~~
- 7.11 ~~experiential, object relations, contextual, and systemic therapy~~ all informed by current
- 7.12 research and professional standards of practice. Foundational theories of marriage and
- 7.13 family therapy and other emerging models of therapy are included in these hours;
- 7.14 D. three semester hours in research covering current research design, methods,
- 7.15 statistics, and special issues research in marital and family studies or a related mental
- 7.16 health field;

- 7.17 E. three semester hours in ethical and professional studies covering professional
 7.18 ethics, family law, professional socialization, professional organizations, legal issues, and
 7.19 interprofessional cooperation, professional ethics, and family law; and
 7.20 F. a clinical practicum in marriage and family therapy of at least 300 hours of
 7.21 clinical client contact ~~with including assessment, diagnosis, and treatment of~~ individuals,
 7.22 couples, and families ~~for the purpose of assessment and intervention~~. Of the 300 hours, ~~no~~
 7.23 ~~more than~~ at least 150 hours ~~may~~ must be with individuals, couples, families, or similar
 7.24 relational groups. This clinical experience must be supervised on site or at the academic
 7.25 institution by a licensed marriage and family therapist or an American Association for
 7.26 Marriage and Family Therapy approved supervisor.
- 8.1 Four quarter credit hours shall be equivalent to three semester hours in meeting the
 8.2 requirements in items A to E. This curriculum may be completed during the qualifying
 8.3 master's or doctoral degree programs; or additional course work may be taken at a college
 8.4 or university accredited by a regionally accredited educational institution after receiving the
 8.5 graduate degree in order to fulfill the requirements for each of the areas described in items
 8.6 A to F. An applicant may not use a course for more than one area described in items A to F.
- 8.7 Subp. 3. **Proof of equivalency.** The burden is on the applicant to prove by a
 8.8 preponderance of the evidence that the coursework is equivalent to the requirements in
 8.9 subpart 2.

The Board proposes the amendments shown above to clarify its process, improve language choice, and better and more specifically reflect current trends in education for LMFTs and LAMFTs.

Licensure amendment: Minn. Rule 5300.0145 Degrees from Foreign Institutions.

8.10 5300.0145 DEGREES FROM FOREIGN INSTITUTIONS.

- 8.11 In addition to meeting all other licensure requirements, an applicant for licensure
 8.12 whose degree was received from a foreign degree program or from a foreign institution
 8.13 of higher education shall demonstrate to the satisfaction of the board that the degree
 8.14 meets the requirements of part 5300.0140. The applicant shall provided the board with
 8.15 a comprehensive evaluation of the degree performed by a credential evaluation service
 8.16 that is a member of the National Association of Credential Evaluation Services (NACES)
 8.17 and any other documentation the board deems necessary. The evaluation must be sent
 8.18 directly to the board from the evaluating agency. The applicant shall be responsible for the
 8.19 expenses incurred as a result of the evaluation.

The Board proposes this amendment to allow it to grant licensure to applicants who hold equivalent degrees from foreign institutions. The Board will comprehensively evaluate the degree to ensure equivalency. This rule is modeled on Minn. Rule 7200.1600, which was promulgated by the Minnesota Board of Psychology in 2013.

Licensure Amendment: Minn. Rule 5300.0150 Experience Requirements

8.20 5300.0150 EXPERIENCE REQUIREMENTS; PERSONS IN POSTGRADUATE **8.21 SUPERVISED EXPERIENCE PRIOR TO AUGUST 1, 2016.**

- 8.22 Subpart 1. **Supervised experience required.** The two years supervised, postgraduate
 8.23 experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4),

- 8.24 must meet the requirements in subparts 2 to 6.
- 8.25 Subp. 2. **Years of experience; computation.** In calculating two years of supervised
- 8.26 postgraduate experience in marriage and family therapy, the board shall accept ~~a minimum~~
- 9.1 ~~of not less than 4,000 hours of supervised professional experience including at least~~
- 9.2 1,000 hours of clinical client contact including the assessment, diagnosis, and treatment
- 9.3 of mental illness, ~~and cognitive, emotional, and behavioral disorders,~~ as specified in
- 9.4 subpart 3 with 200 hours of clinical supervision by a board-approved, Minnesota licensed
- 9.5 marriage and family therapist supervisor over a period of not less than 24 months. All
- 9.6 additional work used to complete this ~~two-year experience may 4,000 hours must be~~
- 9.7 supervised in a legal and ethical manner by a licensed mental health professional listed
- 9.8 in Minnesota Statutes, section 245.462, subdivision 18, clauses (1) to (5), or 245.4871,
- 9.9 subdivision 27, clauses (1) to (5), or both.
- 9.10 Subp. 3. **Clinical client contact; requirements.** The applicant must ~~demonstrate~~
- 9.11 document at least 500 hours of ~~the clinical direct~~ client contact ~~required in the following~~
- 9.12 ~~categories of cases: in working with couples, families, or other relational groups.~~
- 9.13 ~~A. unmarried couples;~~
- 9.14 ~~B. married couples;~~
- 9.15 ~~C. separating and divorcing couples; and~~
- 9.16 ~~D. family groups including children.~~
- 9.17 This contact shall include experience in the assessment, diagnosis, and treatment of
- 9.18 mental illness and cognitive, emotional, and behavioral disorders.
- 9.19 Subp. 4. **Supervision; setting.** The supervision by a board-approved, Minnesota
- 9.20 licensed marriage and family therapist supervisor shall take place in individual and group
- 9.21 settings, according to items A and B.

9.22 *[For text of items A and B, see M.R.]*

- 9.23 Subp. 5. **Supervision requirements.** Supervision must involve:
- 9.24 A. at least 200 hours of ~~face-to-face~~ contact between the supervisor and
- 9.25 supervisee of which at least ~~100~~ 150 hours must be ~~in individual settings~~ face-to-face;
- 10.1 no more than 50 hours of supervision may be conducted through synchronous electronic
- 10.2 communication;
- 10.3 B. at least 100 hours of ~~supervision per year~~ contact between the supervisor and
- 10.4 supervisee must be in an individual setting; and
- 10.5 C. no more than 100 hours of supervision may be logged toward the 200-hour
- 10.6 requirement in item A in any 12-month period; and
- 10.7 D. a focus on the raw data from the supervisee's clinical work that is made
- 10.8 directly available to the supervisor through means of written clinical materials, direct
- 10.9 observation, and audio or video recordings, or other reporting methods.
- 10.10 Subp. 6. **Verifying supervised experience.** A supervisee must verify the required
- 10.11 supervised experience by completing a form supplied by the board. The form must be
- 10.12 signed by the applicant's supervisor ~~and be notarized.~~ The form must include the setting,
- 10.13 nature, and extent of the supervised experience, the time period involved, the number of
- 10.14 hours of clinical client contact, the number of hours of supervision, and the name and
- 10.15 qualifications of ~~each~~ the board-approved supervisor.

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology. The amendments to subpart 3, in particular, better reflect relational therapy.

The amendment in subpart 4 proposes to require that the supervisor be Board-approved in order to oversee an applicant's supervisory experience. This is not a substantive change. The Board has required supervisors to be Board-approved under Rule 5300.0160.

Also, the Board is proposing to amend subpart 5 to eliminate the need for a variance request. The Board typically receives multiple variance requests per year asking that some supervisory hours be completed through e-communication. The Board has long granted these variance requests but has limited the e-communication method to no more than 25 percent (50 hours) of the 200 contact hours between supervisor and supervisee.

Licensure amendment: Minn. Rule 5300.0155 Experience Requirements for Persons Commencing the Supervised Experience After August 1, 2016.

10.16 5300.0155 EXPERIENCE REQUIREMENTS FOR PERSONS COMMENCING

10.17 THE SUPERVISED EXPERIENCE AFTER AUGUST 1, 2016.

10.18 Subpart 1. **Supervised experience required.** The two-year supervised, postgraduate
10.19 experience required by Minnesota Statutes, section 148B.33, subdivision 1, clause (4),
10.20 must meet the requirements in subparts 2 to 6.

10.21 Subp. 2. **Application to written examination.** Within six months of commencement
10.22 of the supervised experience, an applicant must apply to the board to take the national
10.23 examination specified in part 5300.0190.

10.24 Subp. 3. **Years of experience; computation.** The postgraduate experience shall
10.25 include not less than 4,000 hours, and must be completed in no less than two and no
11.1 more than seven years from the filing of the application to take the national examination.
11.2 This experience must include the following:

11.3 A. A minimum of 1,000 hours of direct client contact supervised by a
11.4 board-approved, Minnesota-licensed marriage and family therapist supervisor. The 1,000
11.5 hours shall include at least 500 hours of face-to-face therapy with couples, families, or
11.6 similar relational groups.

11.7 B. A minimum of 200 hours of supervision as described in subpart 4.

11.8 C. No more than 2,800 hours supervised by a licensed mental health professional
11.9 as defined in Minnesota Statutes, section 245.462 or 245.4871. This experience shall
11.10 include the assessment, diagnosis, and treatment of mental illness, and cognitive,
11.11 emotional, and behavioral disorders, as well as all other professional responsibilities.
11.12 D. A detailed log on a form provided by the board shall be maintained of all
11.13 professional activity during this time period. This log shall be permanently maintained by
11.14 the applicant.

11.15 Subp. 4. **Supervision requirements.** The 4,000 hours of postgraduate experience
11.16 must comply with the following requirements:

11.17 A. All direct clinical client contact must be supervised by a board-approved,
11.18 Minnesota-licensed marriage and family therapist supervisor. The supervision must be
11.19 obtained at an average rate of one hour of supervision per five hours of direct client
11.20 contact, for a minimum total of 200 hours of supervision.

11.21 B. No more than 120 hours of supervision per year will be accepted toward
11.22 the licensure requirement and must comply with the average rate of supervision stated
11.23 in item A.

11.24 C. At least 100 hours of supervision shall be received in an individual setting.
11.25 The remaining 100 hours may be received in a group setting. For purposes of this
12.1 paragraph, individual supervision is defined as a setting in which the supervisor and no
12.2 more than two supervisees are present. Group supervision is defined as a setting in which

- 12.3 the supervisor and no more than six supervisees are present.
- 12.4 D. Up to 25 percent of the required supervision may be received via secure,
- 12.5 synchronous electronic means.
- 12.6 E. Supervisees must make data from their clinical work directly available to
- 12.7 the supervisor through written clinical materials, direct observation, audio or video
- 12.8 recordings, or other reporting methodologies.
- 12.9 Subp. 5. **Verification of supervised experience.** A supervisor must verify all
- 12.10 supervised experience by completing a form supplied by the board. The form must be
- 12.11 signed by the supervisor. The form must include the setting, nature, and extent of the
- 12.12 supervised experience, the time frame of the supervision, the number of hours and type of
- 12.13 clinical client contact, the number of hours of supervision, and the name and credentials
- 12.14 of the supervisor. The supervisor must attest that the performance, competence, and
- 12.15 adherence to the standards of practice and ethical conduct of the supervisee are satisfactory.

The Board proposes this amendment, which mirrors very closely the language of Minn. R. 5300.0150, to address supervisory relationships that begin after August 1, 2016. The main deviation is the language in subpart 4A, which requires the supervision to track with actual hours at a relatively regular rate. This revision better reflects the Board's expectation with respect to direct supervisory hours and ensures that a supervisee's training is more effective and regular throughout the supervisory process. This requirement is similar to requirements for other mental health boards in Minnesota, including the Minnesota Board of Behavioral Health and Therapy, which requires that "supervision must be evenly distributed over the course of the supervised professional practice." Minn. R. 2150.5010, subd. 4(C).

The Board also proposes the addition of subpart 2 above for applicants who apply after August 1, 2014, to create Board jurisdiction over these individuals. As the process currently exists, there are four steps to licensure as an LMFT. First, the applicant must complete the education. Second, the applicant must apply to the Board, receive permission to sit for the national exam, and pass the national exam. Third, the applicant must complete the 4000-hour supervised post-graduate experience. Fourth, the applicant must pass the state examination. An applicant becomes licensed on the day he or she passes the state examination.

As the rules were written prior to the proposal of this rule addition, a graduate could begin the supervisory experience without applying to the Board to take the national examination within any specific timeframe. As a result, the graduate could be practicing marriage and family therapy, under the supervision of a board-approved supervisor, without Board knowledge, oversight, and/or jurisdiction. If an issue were to arise or if a client would allege a violation of a Board law or rule, the Board would have to attempt to establish jurisdiction over a graduate in order to take action to protect the public. Moreover, while in the graduate-but-not-applicant phase, a graduate would not be eligible for participation in the Health Professional Services Program, the health licensing boards' diversion program for licensees suffering from mental health disorders and/or chemical abuse or dependency.

With the addition of subpart 2, the Board is correcting the jurisdictional challenge and creating a defined deadline for the beginning of the application process.

Licensure amendment: Minn. Rule 5300.0160 Requirements For Supervisor

12.16 5300.0160 REQUIREMENTS FOR SUPERVISOR.

- 12.17 Subpart 1. Requirements. A supervisor is acceptable to the board if the supervisor
12.18 was listed by the board under this part prior to ~~January 19, 1999~~ August 1, 2016, except
12.19 that those supervisors must meet the continuing education requirement specified in
12.20 part 5300.0170, item D. After ~~January 19, 1999~~ August 1, 2016, new supervisors are
12.21 acceptable to the board if the supervisor: meets the requirements of either subpart 2 or 3.
12.22 Subp. 2. Board-approved supervisor requirements. An applicant for
12.23 board-approved LMFT supervisor status will be approved by the board if the applicant:
12.24 A. is licensed as a marriage and family therapist in Minnesota;
13.1 B. has at least ~~three~~ four years and ~~3,000~~ 4,000 hours of experience in clinical
13.2 practice as a licensed marriage and family therapist; and
13.3 C. provides evidence of training in supervision. Evidence must be shown through
13.4 ~~graduate level academic course work in supervision~~ completion of a board-approved MFT
13.5 supervisor training course equivalent to three semester hours from a graduate program of a
13.6 regionally accredited institution or 30 hours in continuing education, or designation by the
13.7 American Association for Marriage and Family Therapy as an approved supervisor of
13.8 coursework in a board-approved MFT supervision education course.
13.9 Subp. 3. AAMFT-approved supervisor status. An applicant for board-approved
13.10 LMFT supervisor status will be approved by the board if the applicant is designated an
13.11 approved supervisor by the American Association for Marriage and Family Therapy
13.12 (AAMFT).
13.13 Subp. 4. Application. An application for board-approved LMFT supervisor status
13.14 must be filed with the board prior to approval of supervisor status by the board.

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

The amendments to subparts 2 and 3 reflect the Board's criteria for becoming a supervisor either through the experience and MFT supervisor-training course method in subpart 2 or through the AAMFT designation as an approved supervisor in subpart 3. The Board proposes these amendments to normalize the supervisor training requirements to ensure an adequate knowledge, experience and training base for the supervisor. Currently, the Board has almost 500 approved supervisors, which is approximately 25 percent of all LMFTs. The amendments above will not create a hardship for applicants attempting to find supervisors.

Licensure Amendment: Minn. Rule 5300.0170 Responsibilities of Supervisor.

13.15 5300.0170 RESPONSIBILITIES OF SUPERVISOR.

- 13.16 A supervisor must:
13.17 A. be knowledgeable of ~~the current~~ the current clinical skills required for effective delivery
13.18 of marriage and family therapy services;
13.19 B. be knowledgeable of ~~the important~~ current literature in the field of marriage
13.20 and family therapy ~~and, including~~ and, including professional ethics, and ~~the supervisor must be~~
13.21 knowledgeable ~~about~~ of the basic skills and service delivery of supervision;
13.22 C. see that all supervised work is conducted in an appropriate professional
13.23 ~~settings, setting,~~ setting, with adequate administrative and clerical controls, so as to assure the
13.24 quality and competency of supervised activities; and

- 14.1 D. devote at least ten percent of the required continuing education hours to
14.2 supervision training and skills.

The amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Licensure Amendment: Minn. Rule 5300.0175 Licensure Process for Licensed Associate Marriage and Family Therapist.

14.3 5300.0175 LICENSURE PROCESS FOR LICENSED ASSOCIATE MARRIAGE 14.4 AND FAMILY THERAPISTS.

- 14.5 A licensed associate marriage and family therapist is one who has completed
14.6 the educational requirements in part 5300.0140 and who has passed the ~~written~~
14.7 national examination specified in part 5300.0240. A licensed associate marriage and
14.8 family therapists therapist must practice under the supervision of a ~~board-qualified~~
14.9 board-approved LMFT supervisor as specified in parts 5300.0160 and 5300.0170. A
14.10 licensed associate marriage and family therapists therapist must observe ~~the same all~~
14.11 laws and rules that govern the practice of licensed marriage and family therapists. The
14.12 licensed associate marriage and family therapist status shall be granted for one year upon
14.13 completion of the board's application form and payment of the required fee. Licensed
14.14 associate marriage and family therapist status may be renewed on a yearly basis for up to
14.15 four six additional years. An applicant must apply for and be issued a licensed associate
14.16 marriage and family therapist license by the board upon receiving notice of passage of the
14.17 national examination specified in part 5300.0240.

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

The addition of the last sentence, in addition to subpart 2 of Minn. R. 5300.0155, is part of the Board's comprehensive attempt to set forth in rule a more definitive and understandable licensing timeline. As subpart 2 of Minn. R. 5300.0155 reflects the beginning of the application process, the last sentence of Minn. R. 5300.0175 reflects the middle stage of the licensure process. Once a graduate has completed the first steps of licensure, i.e., graduating, passing the national exam and starting the supervisory experience, the applicant will then apply to the Board for official licensure status as a licensed associate marriage and family therapist. The graduate will move from the graduate/applicant status set forth in Minn. R. 5300.0155 to the LAMFT licensure status. The Board proposes this amendment to reflect national trends that officially recognize the status of individuals who possess the requisite education and have passed the national exam. Moreover, the Board proposes this amendment to put a deadline, i.e., after passage of the national exam, on when a graduate/applicant needs to advance to the next phase, which is licensure as an LAMFT and ongoing participation in the supervisory experience. This amendment also helps support Board jurisdiction over graduate/applicants by licensing them as LAMFTs when they have passed the national examination.

The Board is also increasing from four to six the number of years that an LAMFT license can be renewed. The Board proposes this amendment to allow LAMFTs additional time to complete the supervisory experience and pass the state exam to secure full licensure as an LMFT. Licensure as LAMFT

is not and has never been a permanent licensure status; it is a transitional step on the path to becoming an LMFT.

Licensure Amendment: Minn. Rule 5300.1800 Licensure Process of Licensed Marriage and Family Therapists

14.18 5300.0180 LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY 14.19 THERAPISTS.

- 14.20 The process of licensure by the board as a licensed marriage and family therapist
14.21 ~~is divided into~~ consists of two separate parts: ~~admission to written examination and~~
14.22 ~~admission to licensure.~~
14.23 A. successful completion of the national examination following completion of
14.24 all educational requirements; and
14.25 B. successful completion of the state examination, following completion of all
14.26 specified experience requirements.

This amendment reflects an improvement on language choice to better reflect the licensing process for LMFTs. It does not represent a substantive change.

Licensure Amendment: Minn. Rule 5300.0190 Procedures for Admission to Written Examination

15.1 5300.0190 PROCEDURES FOR ADMISSION TO WRITTEN EXAMINATION.

- 15.2 Subpart 1. **Information required.** To be admitted to ~~written~~ the national
15.3 examination, an applicant must submit to the board the information in items A to D.
15.4 A. The applicant must submit a completed, notarized application for admission
15.5 to ~~written~~ the national examination on a form provided by the board. The application
15.6 must include:
15.7 (1) a photograph of the applicant; and
15.8 (2) an affirmation by the applicant that the statements made in the
15.9 application are true and correct to the best knowledge of the applicant.
15.10 B. The applicant must submit the required, nonrefundable fee for application
15.11 for admission to ~~written~~ the national examination specified in ~~part 5300.0360, item~~
15.12 A Minnesota Statutes, section 148B.17, subdivision 2, made payable to the Board of
15.13 Marriage and Family Therapy.
15.14 C. The applicant must submit official transcripts of all ~~graduate~~
15.15 postbaccalaureate education of the applicant, including verification of the ~~degree degrees~~
15.16 and certificates granted. The transcripts must be sent directly to the board from the
15.17 institution granting the ~~degree degrees and certificates.~~
15.18 (1) The applicant must demonstrate to the board, by a preponderance of
15.19 the evidence, that the degree program degree or certificate programs documented by
15.20 the applicant's official transcripts submitted meets the requirements of part 5300.0130,
15.21 subpart 1, item A.
15.22 (2) The institution granting the degree or postdegree certificate must be
15.23 regionally accredited at the time the degree is granted or postdegree work is completed.
16.1 D. An applicant for licensure must inform the board within 30 days of any
16.2 changes in name, ~~residential public mailing~~ address, ~~or business and residential telephone~~
16.3 ~~numbers~~ address, or other contact information provided.
16.4 Subp. 2. **Verification of information; board's powers.** The board has authority
16.5 to ~~investigate or contact persons to~~ verify the authenticity of the information in the
16.6 application for admission to ~~written~~ the national examination and to require the applicant

- 16.7 to provide verification.
- 16.8 Subp. 3. **Time requirements.** An applicant's file shall be closed if the applicant fails
- 16.9 to complete the application for admission to ~~written the national~~ examination and provide
- 16.10 all information required within six months from the date the board receives the application
- 16.11 or requests information from the applicant.
- 16.12 Subp. 4. **Admission to ~~written the national~~ examination.** Upon the board's
- 16.13 approval of an application to take the national examination, an applicant ~~shall be admitted~~
- 16.14 ~~to the first regularly scheduled written, objective part of the examination that occurs 60~~
- 16.15 ~~days or more after the applicant has met the requirements of subpart 1, unless admission is~~
- 16.16 ~~denied under subpart 5. Admission to the examination shall be complete only after receipt~~
- 16.17 ~~by the board from the applicant of the examination fee specified in part 5300.0360, item~~
- 16.18 ~~B, is authorized to register for the national examination. An applicant may register for the~~
- 16.19 ~~national examination only after the board notifies the examination administration that the~~
- 16.20 ~~application has been approved by the board.~~
- 16.21 Subp. 5. **Denial of admission to written examination.** The board shall deny an
- 16.22 applicant admission to ~~written the national~~ examination if ~~for any reason the~~ applicant
- 16.23 has not met the ~~education~~ requirements of part 5300.0130, subpart 1, item A. The board
- 16.24 shall notify the applicant of the denial in writing and state the reasons for the denial. ~~At~~
- 16.25 ~~Any subsequent~~ application for admission to ~~written the national~~ examination submitted
- 16.26 after denial is ~~deemed~~ a new application for admission to ~~written the national~~ examination
- 17.1 which must be accompanied by the fee for application for admission to ~~written the~~
- 17.2 ~~national~~ examination specified in ~~part 5300.0360, item A~~ Minnesota Statutes, section
- 17.3 148.17, subdivision 2.

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology. The only substantive change is the requirement that applicants include a photo with their application to take the national examination. The photo requirement is part of a national trend to ensure the identity of national test-takers. Many other health licensing boards, including the Minnesota Board of Medical Practice, have long required applicants to include a photo with application materials.

Licensure Amendment: Minn. Rule 5300.0200 Procedures for Admission to Licensure

- 17.4 **5300.0200 PROCEDURES FOR ~~ADMISSION TO~~ APPLICATION FOR STATE**
- 17.5 **LICENSURE.**
- 17.6 Subpart 1. **Information required.** To be eligible for ~~admission to~~ licensure, an
- 17.7 applicant must submit to the board the information in items A to E.
- 17.8 A. The applicant must submit evidence of having passed ~~the written part of the~~
- 17.9 ~~national~~ examination in part 5300.0240, subpart 3.
- 17.10 *[For text of item B, see M.R.]*
- 17.11 C. The applicant must submit the required, nonrefundable application for
- 17.12 licensure fee specified in ~~part 5300.0360, item C~~ Minnesota Statutes, section 148B.17,
- 17.13 subdivision 2, made payable to the Minnesota Board of Marriage and Family Therapy.
- 17.14 D. The applicant must submit a completed ~~notarized form~~ forms provided by
- 17.15 the board, verifying the applicant's postgraduate, supervised experience, conforming to the
- 17.16 requirements of part 5300.0150, subpart 6.
- 17.17 E. The applicant must submit two endorsements attesting to the applicant's ~~good~~
- 17.18 ~~moral professional and ethical~~ character. The endorsements must be completed and signed
- 17.19 by individuals who meet the requirements for ~~endorsers~~ endorser under part 5300.0230,
- 17.20 subparts 1 and 2. The endorsements must be ~~notarized~~ on forms provided by the board.

- 17.21 Subp. 2. **Verification of information; board's powers.** The board has authority
 17.22 ~~to investigate or contact persons~~ to verify the authenticity of the information in the
 17.23 application for licensure and to require the applicant to provide verification.
 17.24 Subp. 2a. **Time requirements.** An applicant's file shall be closed if the applicant fails
 17.25 to complete the application for licensure and provide all information required within six
 18.1 months from the date the board receives the application or requests additional information
 18.2 from the applicant. An application for licensure submitted following closure of a prior
 18.3 file is considered a new application for licensure and must be accompanied by the fee for
 18.4 application for licensure as specified in Minnesota Statutes, section 148B.17, subdivision 2.
 18.5 Subp. 3. **Denial of admission to application for licensure.** An applicant who fails
 18.6 to meet all the requirements in subpart 1 shall be denied licensure. An applicant who is
 18.7 denied licensure shall be informed in writing of the denial and the reasons for it. An
 18.8 application for licensure submitted following denial is considered a new application for
 18.9 licensure ~~which and~~ must be accompanied by the fee for application for licensure specified
 18.10 in ~~part 5300.0360, item C~~ in Minnesota Statutes, section 148B.17, subdivision 2.

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Similar to the additions to Minn. Rules 5300.0155 and .0175, the Board proposes subpart 2a above to set forth more definitive and clear deadlines for responding to the Board's inquiry and completing the application process. As noted above, the goal of these amendments is to create a more clear beginning, middle and end to the licensure process and to create jurisdiction for the Board over all graduates in Minnesota who are working toward LMFT licensure.

Housekeeping Amendment: Minn. Rule 5300.0230 Requirements for Endorsement

- 18.11 **5300.0230 REQUIREMENTS FOR ENDORSEMENT.**
 18.12 Subpart 1. **Endorser; requirements.** For an endorsement to meet the requirements
 18.13 of parts 5300.0130, subpart 1, item D, and 5300.0200, subpart 1, item E, the endorser must:
 18.14 A. be licensed by the board as a LMFT; or
 18.15 B. be licensed to practice marriage and family therapy ~~by in another state or~~
 18.16 ~~country jurisdiction~~ whose licensure standards are ~~at least~~ equivalent to or exceed the
 18.17 requirements for licensure in Minnesota.
 18.18 Subp. 2. **Limitations.** An endorser must not be an employee, ~~independent contractor,~~
 18.19 ~~patient, or former patient client,~~ former client, or be related in any way to the applicant.

These amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Housekeeping Amendment: Minn. Rule 5300.0240 Examination Methods; Subjects and Procedures

- 18.20 **5300.0240 EXAMINATION METHODS; SUBJECTS AND PROCEDURES.**
 18.21 Subpart 1. **National ~~written~~ and state examination required.** Examination of an
 18.22 applicant for a license as a marriage and family therapist ~~shall be composed~~ consists of:
 18.23 A. a ~~written, objective part~~ national examination designed and scored by a
 18.24 professional examination service approved by the Association of Marriage and Family
 18.25 Therapy Regulatory Boards; and
 19.1 B. a state ~~part-conducted~~ licensure examination provided by members of the

19.2 board.

19.3 Subp. 2. **Examination fee.** An applicant who is admitted to ~~written the national~~

19.4 examination under part 5300.0190 must pay ~~the written an~~ examination fee ~~in part~~

19.5 ~~5300.0360, item B, directly to the test administrator~~ before taking the examination.

19.6 Subp. 3. **National ~~written~~ part of examination.** The ~~written national~~ examination is

19.7 the examination approved by the Association of Marriage and Family Therapy Regulatory

19.8 Boards. The ~~written national~~ examination shall be offered on dates established by the

19.9 Association of Marriage and Family Therapy Regulatory Boards.

19.10 Subp. 4. **State part of examination.** The state examination of an applicant ~~for~~

19.11 ~~licensure shall be held conducted~~ according to ~~those~~ methods determined by the board ~~to~~

19.12 ~~be the most practical and expeditious in testing the applicant's qualifications for licensure.~~

19.13 The state examination of an applicant shall take place after the applicant's application for

19.14 licensure has been ~~accepted~~ approved by the board ~~and before the applicant is approved~~

19.15 ~~for licensure.~~ The state examination of an applicant shall cover:

19.16 A. the applicant's knowledge of the ~~laws~~ statutes and rules governing marriage

19.17 and family therapists;

19.18 B. the applicant's knowledge of the code of ethics;

19.19 C. the applicant's awareness of the responsibilities to the board and to the

19.20 public; and

19.21 D. other practice-related areas.

19.22 Subp. 5. [See repealer.]

19.23 Subp. 6. **Passing score required on examination.** The passing score of ~~the written~~

19.24 ~~part of the national~~ examination is ~~the passing score~~ determined by the Association

19.25 of Marriage and Family Therapy Regulatory Boards. The passing score for the state

20.1 examination shall be determined by the board. An applicant must pass both parts of the

20.2 examination to qualify for licensure as a marriage and family therapist.

20.3 Subp. 7. **Reexamination permitted.** An applicant who has failed ~~a part of the~~

20.4 ~~national or state~~ examination may be reexamined ~~on the part the applicant failed,~~ but not

20.5 more than five times without a variance. Each time an applicant ~~who~~ is reexamined on the

20.6 ~~written part of the national~~ examination, the applicant must pay ~~the written an~~ examination

20.7 fee ~~in part 5300.0360, item B~~ to the test administrator.

These amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Licensure Amendment: Minn. Rule 5300.0250 Reciprocity

20.8 **5300.0250 RECIPROCITY.**

20.9 Subpart 1. **Other states or countries recognized.** The board shall issue a marriage

20.10 and family therapist license to an individual who holds a current license as a marriage

20.11 and family therapist from another ~~state or country~~ jurisdiction if the board determines that

20.12 the standards for licensure in effect when the individual was licensed in the other ~~state~~

20.13 ~~or country~~ jurisdiction are at least equivalent to or exceed the current requirements for

20.14 licensure in Minnesota.

20.15 If an applicant for licensure by reciprocity has been licensed continuously as a

20.16 marriage and family therapist in a United States jurisdiction for the five years preceding

20.17 the application, the educational requirements for licensure are considered satisfied. If

20.18 licensed for any period less than five years, the board will determine whether educational

20.19 requirements are satisfied.

20.20 If an applicant for licensure by reciprocity has been licensed continuously as a

20.21 marriage and family therapist in a United States jurisdiction for the five years preceding

20.22 the application, and the jurisdiction has taken no adverse action against that license, the

20.23 postgraduate, supervised clinical experience requirements are considered satisfied. If
 20.24 licensed for any period less than five years, or if adverse action against the license has
 20.25 been taken, the board shall determine whether the experience requirements for licensure
 20.26 are satisfied.

21.1 If an applicant for licensure by reciprocity was licensed in another ~~state or country~~
 21.2 jurisdiction without passing the ~~written national~~ examination specified in part 5300.0240,
 21.3 subpart 3, but meets all other Minnesota requirements, the applicant may submit an
 21.4 application for licensure by reciprocity ~~after passing the~~, and must also pass the national
 21.5 examination according to part 5300.0240, subpart 6, ~~before the reciprocity application may~~
 21.6 ~~be approved.~~ All applicants for licensure by reciprocity must pass the state examination
 21.7 specified in part 5300.0240, subpart 4.

21.8 Subp. 2. **Application required.** An individual who holds a current license as
 21.9 a marriage and family therapist from another ~~state or country~~ jurisdiction must file a
 21.10 completed application for licensure by reciprocity and must pay the fee for application for
 21.11 licensure by reciprocity specified in ~~part 5300.0360, item E~~ Minnesota Statutes, section
 21.12 148B.17, subdivision 2. The application must be on a form provided by the board. The
 21.13 application must include a notarized statement that the information in the application is
 21.14 true and correct to the best knowledge of the applicant and an agreement by the applicant
 21.15 that the applicant will conduct all professional activities according to the code of ethics
 21.16 in part 5300.0350.

21.17 Subp. 3. **Verification from other ~~state or country~~ jurisdiction required.** The
 21.18 applicant must direct the ~~board of examiners of the state or country~~ licensing entity in the
 21.19 jurisdiction in which the license is held to send to the board directly a statement that the
 21.20 license is in effect and in good standing on a form provided by the board, and a copy of
 21.21 the state's current licensing law and rules.

21.22 Subp. 4. **Discipline in another jurisdiction; effect on licensing.** The board may
 21.23 refuse to grant a license or may impose disciplinary action as described in Minnesota
 21.24 Statutes, section 148B.37, subdivision 1, for:
 21.25 A. revocation, suspension, restriction, limitation, or other disciplinary action
 21.26 against the applicant's license in another ~~state or~~ jurisdiction;
 22.1 B. failure to report to the board that charges regarding the applicant's license
 22.2 have been brought in another ~~state or~~ jurisdiction; or
 22.3 C. having been refused a license by another ~~state or~~ jurisdiction.

22.4 Subp. 5. **Proof of equivalency.** The burden is on the applicant to establish, by
 22.5 a preponderance of the evidence, that the standards for licensing in effect when the
 22.6 individual was licensed in the other ~~state or~~ jurisdiction are at least equivalent to or exceed
 22.7 the current licensing requirements in Minnesota..

The majority of these amendments reflect improvements on language choice that increase clarity and specificity and remove obsolete terminology.

The Board proposes the additions to subpart 1 to reflect national trending in the applicant-by-reciprocity process and to simplify the process.

Housekeeping Amendment: Minn. Rule 5300.0260 Term of License

22.8 **5300.0260 TERM OF LICENSE.**
 22.9 Subpart 1. **Effective date.** ~~An initial license is effective after:~~
 22.10 ~~A. the board notifies the applicant in writing that the applicant has been~~
 22.11 ~~approved for licensure;~~
 22.12 ~~B. the applicant has paid the initial license fee in part 5300.0360, item D; and~~
 22.13 ~~C. the board assigns a license number to the applicant.~~

- 22.14 A license is valid for the period beginning with the date on which the license is
 22.15 originally granted and effective immediately upon the board's issuance of the initial
 22.16 license and payment of the initial license fee.
 22.17 Subp. 2. **Initial licensure period; term of license.**
 22.18 A. An initial license of marriage and family therapy granted by the board is
 22.19 valid for a period beginning with the effective date in subpart 1 and ending on December
 22.20 31 of the year in which the license was initially granted. For example, an initial license
 22.21 granted on May 6, 1989, is valid from May 6, 1989, to December 31, 1989. A subsequent
 22.22 the date indicated on the license card issued by the board. Thereafter, the license is valid
 22.23 renewable for a one-year period ending on December 31. The license must be renewed
 22.24 according to the procedures in part 5300.0280.
 23.1 B. An initial license of associate marriage and family therapy granted by the
 23.2 board is valid for a period beginning with the effective date in subpart 1 and ending on the
 23.3 date indicated on the license card issued by the board. Thereafter, the license is renewable
 23.4 for a one-year period and may be renewed for up to six additional years.

The majority of these amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

The Board proposes the revisions to subpart 1 to reflect the current licensure process whereby an applicant becomes a licensee and receives a license immediately upon passing the state examination, the last step in the licensure process.

The Board proposes the revisions to subpart 2B to reflect the current licensure process whereby an LAMFT license is effective on the day it is issued. The Board also proposes to amend subpart 2B to allow an LAMFT license to be renewed for up to six additional years, which is consistent with the timeframe set forth in the Board's proposed amendment to Minn. R. 5300.0175.

Housekeeping Amendment: Minn. Rule 5300.0270 Display of License

23.5 5300.0270 DISPLAY OF LICENSE.

- 23.6 A licensed marriage and family therapist or licensed associate marriage and family
 23.7 therapist must display the therapist's license and evidence of current renewal license status
 23.8 in a conspicuous place in the therapist's office, or place of business or employment. This
 23.9 requirement may be satisfied by display of the initial licensure certificate issued by the
 23.10 board or the annual licensure card issued by the board. Evidence of current renewal will be
 23.11 provided by the board upon renewal of the license. A duplicate license shall be issued to a
 23.12 licensee after the licensee requests a duplicate license from the board and pays the duplicate
 23.13 license fee in part 5300.0360, item K. Minnesota Statutes, section 148B.17, subdivision 2.

These amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Licensure Amendment: Minn. Rule 5300.0280 Renewal of License

23.14 5300.0280 RENEWAL OF LICENSE.

- 23.15 Subpart 1. **Renewal every year.** Licenses A license issued by the board must
 23.16 be renewed every year upon the payment of the required renewal fee ~~required in part~~

- 23.17 5300.0360, item F, completion of a ~~notarized~~ renewal application, and the fulfillment and
 23.18 ~~notarized reporting of attestation to completion of the~~ continuing education requirements
 23.19 in part 5300.0320.
 23.20 Subp. 2. **Notice of renewal.** The board shall send the licensee a ~~written~~ renewal
 23.21 notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's
 23.22 last known address on record with the board. The notice may be sent electronically.
- 23.23 ~~A licensee must notify the board in writing of any change of name, address, or~~
 23.24 ~~residential or business telephone numbers within 30 days after any change.~~
 23.25 Failure to receive the renewal notice does not relieve the licensee of the obligation to
 23.26 renew the license.
- 24.1 Subp. 3. **Renewal application required.** The licensee must ~~submit to the board a~~
 24.2 ~~completed complete the~~ renewal application ~~on a form provided required~~ by the board.
 24.3 The licensee must ~~submit complete~~ the renewal application so that the application is
 24.4 postmarked or electronic renewal is completed on or before ~~December 31 the expiration~~
 24.5 date of the current license.
- 24.6 ~~If the postmark is illegible, the renewal application is timely if received in the board~~
 24.7 ~~office by mail on the first work day after December 31.~~
 24.8 Subp. 4. **Fee.** The renewal fee ~~required in part 5300.0360, item F,~~ must accompany
 24.9 the renewal application for the renewal application to be complete.
- 24.10 Subp. 5. **Affirmation.** The renewal application must include a ~~notarized~~ statement
 24.11 by the licensee that the information in the application is true and correct to the best
 24.12 knowledge and belief of the licensee.
- 24.13 Subp. 6. **Late fee.** A licensee must pay a late renewal fee and the renewal fee specified
 24.14 ~~in part 5300.0360, items F and G, by the board~~ if the licensee's application for renewal is
 24.15 postmarked after ~~December 31 the expiration date of the license, or delivered to received~~
 24.16 by the board office by nonpostal means after December 31 the expiration of the license.

These amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology and that more accurately reflect the Board's license renewal process, including the use of electronic notification and the use of multiple expiration dates, based on date of licensure, as opposed to a single expiration date of December 31.

Licensure Amendment: Minn. Rule 5300.0290 Failure to Renew

- 24.17 **5300.0290 FAILURE TO RENEW.**
 24.18 Subpart 1. **Procedures.** The following procedure applies if a licensee fails to submit
 24.19 the renewal application according to part 5300.0280, subparts 3, 4, 5, and 6, or fails to
 24.20 fulfill or report continuing education requirements in part 5300.0320.
 24.21 Subp. 2. **Expiration of license.** If the licensee fails to submit to the board the required
 24.22 renewal application, information about required continuing education requirements
 24.23 information, and or the renewal and late renewal fees specified in part 5300.0360, items F
 24.24 and G, on or before December 31 by the board within 30 days after the license expiration
 24.25 date, the license expires and the licensee's right to practice terminates on December 31.
- 25.1 A. The board shall mail to the former licensee a written notice that the ~~licensee's~~
 25.2 license has expired and the licensee's right to practice has terminated. The board shall
 25.3 send the notice to the licensee's last known address on record with the board. ~~The board~~
 25.4 ~~shall instruct the former licensee to promptly return the licensee's board-issued license~~
 25.5 ~~certificate, written in calligraphy, to the board office.~~
 25.6 B. A license that expired under this part may be reinstated under part 5300.0300.

These amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology and that more accurately reflect the Board's license renewal process, including the use of multiple expiration dates, based on date of licensure, as opposed to a single expiration date of December 31.

Licensure Amendment: Minn. Rule 5300.0300 Reinstatement of License

25.7 5300.0300 REINSTATEMENT OF LICENSE.

- 25.8 Subpart 1. **Requirements for reinstatement.** A ~~license~~ former licensee seeking
25.9 reinstatement of a license that has expired under part 5300.0290 may be reinstated if:
- 25.10 A. no fact, circumstance, or condition exists which, if the license were
25.11 reinstated, would justify its revocation or suspension;
- 25.12 B. the former licensee verifies that the former licensee has not engaged in the
25.13 practice of marriage and family therapy in ~~this state or any other state~~ any jurisdiction,
25.14 or used a title denoting marriage and family therapist since expiration of the license
25.15 unless also licensed by another state in another jurisdiction. The verification must be
25.16 accompanied by a notarized affirmation that the statement is true and correct to the best
25.17 knowledge and belief of the former licensee;
- 25.18 C. the former licensee submits to the board a completed application for
25.19 reinstatement on a form provided by the board;
- 25.20 D. the former licensee pays the reinstatement fee and required renewal fees
25.21 specified in part 5300.0360, item H by the board;
- 25.22 E. the former licensee includes with the application for reinstatement a letter
25.23 stating the reasons for applying for reinstatement; and
- 25.24 F. the former licensee complies with the applicable provisions of subparts
25.25 2 and 3.
- 26.1 Subp. 2. **Expiration of less than five years.** A former licensee whose license expired
26.2 under part 5300.0290 less than five years previous to the application for reinstatement must:
- 26.3 A. submit evidence of meeting the continuing education requirements that
26.4 would have applied to the former licensee if the license had not expired; and
- 26.5 B. pay the renewal fee specified ~~in part 5300.0360, item F, and late renewal~~
26.6 ~~fees specified in part 5300.0360, item G by the board~~, for each ~~of the years between~~
26.7 ~~the date the license annual license term the license was expired and the date the former~~
26.8 ~~licensee submits a reinstatement application.~~
- 26.9 Subp. 3. **Expiration of five years or more.** A former licensee whose license expired
26.10 under part 5300.0290 five years or more before the application for reinstatement must:
- 26.11 A. meet the current education and experience requirements for licensure;
26.12 ~~A. B.~~ retake and pass the written national examination and state examination
26.13 required for licensure of marriage and family therapists given by the board according to
26.14 part 5300.0240, subpart 3;
- 26.15 ~~B. C.~~ submit evidence of meeting a minimum of five years of the continuing
26.16 education requirements that would have applied to the former licensee if the license had
26.17 not expired; and
- 26.18 ~~C. D.~~ pay the renewal fee specified in part 5300.0360, item F, and late
26.19 renewal fees specified in part 5300.0360, item G, by the board for each of the five years
26.20 immediately preceding application for reinstatement.

26.21 *[For text of subps 4 and 5, see M.R.]*

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

The amendments proposed in subpart 3(A) are to articulate the Board's current position and policy that an applicant whose license expired more than five years prior to the application will need to demonstrate satisfaction of current education and experience requirements before being re-licensed. The Board has determined that it is not in the public's interest to grant LMFT licensure to someone who has not practiced in more than five years and has not satisfied the current educational and supervisory requirements. This rule does not prohibit licensure; the individual can complete the education requirements and/or the supervisory experience and then apply for licensure.

Housekeeping Amendment: Minn. Rule 5300.0310 Voluntary Termination of License

26.22 5300.0310 VOLUNTARY TERMINATION OF LICENSE.

- 26.23 A license may be voluntarily terminated at any time upon written request by the
26.24 licensee to the board, unless a complaint is pending against the licensee. If a complaint is
26.25 pending against a licensee, a license may not be voluntarily terminated until any indicated
27.1 action relative to the complaint is concluded. The board must receive the request to
27.2 terminate before expiration of the license for failure to renew under part 5300.0290. The
27.3 board retains jurisdiction over a former licensee for complaints received after termination
27.4 regarding conduct that occurred while licensed. A licensee who has voluntarily terminated
27.5 the license may be relicensed by complying with the requirements for reinstatement of
27.6 an expired license in part 5300.0300, except that payment of the late renewal fees shall
27.7 not be required.

The majority of the amendments above represent improvements on language choice that increase clarity and specificity and remove obsolete terminology. The addition of the statement about Board jurisdiction is to articulate the Board's current authority; it does not represent a substantive change.

Housekeeping Amendment: Minn. Rule 5300.0315 Emeritus License Status

27.8 5300.0315 EMERITUS LICENSE STATUS.

- 27.9 Subpart 1. **Emeritus status; requirements.** A marriage and family therapist duly
27.10 licensed to practice marriage and family therapy in the state under Minnesota Statutes,
27.11 chapter 148B, who has reached the age of 62 and is retired from the active practice of
27.12 marriage and family therapy, may apply to the board for emeritus status:
27.13 A. by indicating on the licensee's renewal form or by petitioning the board
27.14 in writing;
27.15 B. by indicating the licensee ~~has~~ is not ~~been~~ the subject of current disciplinary
27.16 action resulting in the suspension, revocation, qualification, condition, or restriction to
27.17 practice marriage and family therapy; and
27.18 C. by paying the ~~annual~~ onetime emeritus fee.

27.19 *[For text of subps 2 and 3, see M.R.]*

- 27.20 Subp. 4. **Reactivating license.** In the exceptional case that a marriage and family
27.21 therapist ~~issued~~ granted an emeritus license should wish to resume practice, the board shall
27.22 reactivate the license according to the procedure in part 5300.0300 except that the only fee
27.23 required shall be the reinstatement fee specified ~~in part 5300.0360, item H~~ by the board,
27.24 and the current annual renewal fee ~~specified in part 5300.0360, item F.~~

- 28.1 If a licensee ~~has had an~~ was granted emeritus license status more than five years ago,
28.2 the license may be reactivated only as specified in part 5300.0300, subpart 3.

These amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

Continuing Education Amendment: Minn. Rule 5300.0320

- 28.3 **5300.0320 CONTINUING EDUCATION REQUIREMENTS.**
28.4 Subpart 1. ~~Purpose of continuing education required.~~ A licensee must regularly
28.5 ~~engage in continuing education related to the practice of marriage and family therapy as~~
28.6 ~~defined in this part. The purpose of mandatory continuing education is to:~~
28.7 A. promote the health and safety of the residents of Minnesota who receive
28.8 services from licensees; and
28.9 B. promote the continuing professional competence of providers of these
28.10 services.
- 28.11 The continued development and maintenance of competence are ongoing activities
28.12 and the ethical responsibility of each licensee.
28.13 Subp. 2. ~~Number of hours required~~ **Continuing education requirements.**
28.14 Licensees must complete a minimum of ~~30~~ 40 hours of board-approved continuing
28.15 education every two years. Three hours in ethical and professional studies education
28.16 covering professional ethics, family law, professional socialization, professional
28.17 organizations, legal issues, or interprofessional cooperation must be included in the
28.18 required 40 hours. Board-approved supervisors must meet the continuing education
28.19 requirements specified in part 5300.0170, item D. The required number of hours shall be
28.20 prorated for persons who are initially licensed during a given reporting period. ~~Proof of~~
28.21 Licensed marriage and family therapists must attest to the board as to completion of the
28.22 required hours must be submitted to the board by December 31 of upon renewal of the
28.23 license in each odd-numbered year. The initial two-year period begins on January 1 of
28.24 each even-numbered year.
28.25 Subp. 3. ~~Documentation of courses~~ **Attestation of continuing education**
28.26 **completion.** When the licensee applies for renewal of the license, the licensee must
29.1 submit documentation of the licensee's completion of the required hours of continuing
29.2 education on an appropriate form furnished by the board. A receipt for payment of the
29.3 fees for the course is not sufficient evidence of completion of the required hours of
29.4 continuing education. Licensees shall keep attendance certificates for at least five years as
29.5 the board may conduct random audits to verify compliance with subpart 2. At time of
29.6 license renewal in each odd-numbered year or at the time of application for reinstatement
29.7 of a license, a licensed marriage and family therapist must attest to completion of a
29.8 minimum of 40 approved continuing education hours since last renewal or the minimum
29.9 number required for reinstatement. Failure to complete the attestation required will result
29.10 in nonrenewal of licensure.
29.11 Subp. 4. ~~Courses; board approval required~~ **Documentation.** A course must be
29.12 approved by the board according to the procedures in this subpart and subparts 5 to 11.
29.13 Courses may be approved for all attendees when submitted by the sponsor as prescribed in
29.14 subpart 6 or a licensee may request individual approval as prescribed in subpart 7. All
29.15 licensees shall retain original documentation of completion of continuing education hours
29.16 for a period of five years. The information must include:
- 29.17 The board shall consider the following factors in determining whether a course
29.18 should be approved:

- 29.19 A. The course's relevance to the therapeutic practices of marriage and family
 29.20 therapy.
- 29.21 B. Whether the course is structured on sound educational principles and fits into
 29.22 one of the following categories:
- 29.23 (1) structured educational programs with an instructor as a part of
 29.24 conventions, workshops, seminars, lectures, interactive media, and graduate and
 29.25 postgraduate courses from regionally accredited institutions. All course work must include
 29.26 the areas described in item D, subitems (1) to (6); and
- 30.1 (2) home study courses related to marriage and family therapy as described
 30.2 in item D. Programs must have an independently graded test component. No more than
 30.3 one-fourth of the required 30 continuing education hours may be earned by this method.
- 30.4 C. Whether the course is at least one hour in length. "One hour" means at least 50
 30.5 minutes spent as a student in direct participation in a structured educational format. Time
 30.6 for home study courses shall be based on developer's research on average time to complete.
- 30.7 D. Whether the subject of the course is related to marriage and family therapy
 30.8 with an emphasis upon systemic approaches or the theory, research, or practice of
 30.9 psychotherapeutic work with couples or families. Continuing education for marriage and
 30.10 family therapy generally evolves from the following areas:
- 30.11 (1) historical, theoretical foundations, and contemporary conceptual
 30.12 directions of the field of marriage and family therapy;
- 30.13 (2) assessment, diagnosis, and treatment in marriage and family therapy
 30.14 including both dysfunctional relationship patterns and nervous and mental disorders,
 30.15 whether cognitive, affective, or behavioral;
- 30.16 (3) family studies including the life cycle of the family, the process
 30.17 and modification of family structures over time, and issues related to ethnicity, race,
 30.18 socioeconomic status, culture, gender, and sexuality;
- 30.19 (4) human development including human behavior, personality theory,
 30.20 sexuality, psychopathology, behavior pathology, and physical and mental impairments and
 30.21 disabilities that affect normal development;
- 30.22 (5) ethics and professional studies covering legal responsibilities and
 30.23 liabilities of licensure, clinical practice, research, family law, and confidentiality issues; and
 30.24 (6) supervision in marriage and family therapy including theories and
 30.25 practices.
- 31.1 E. Whether the course's instructors or developers are qualified by practical or
 31.2 academic experience to teach, lecture, make presentations, or develop courses.
- 31.3 A. course or activity title;
- 31.4 B. name of sponsor of the course or activity;
- 31.5 C. continuing education approval number assigned by the board;
- 31.6 D. date the licensee attended or completed the program or activity;
- 31.7 E. number of continuing education hours for the program or activity; and
- 31.8 F. signed certificate of attendance.
- 31.9 For purposes of this subpart, a receipt for payment of the fee for the program or activity
 31.10 is not sufficient evidence of completion of the required hours of continuing education.
- 31.11 A copy of a transcript demonstrating successful completion can be used to document
 31.12 academic coursework. Individual activities may be documented with a copy of the
 31.13 program where the licensee is a presenter, a notice of publication of written material,
 31.14 or other material requested by the board.
- 31.15 In the case of independent study, a summary of the topic, a comprehensive list of
 31.16 resources used to study the topic, the hours (including dates) spent in independent study,
 31.17 and the applicability of the study to the licensee's work must be included.
- 31.18 Subp. 5. **Committee evaluation Audit of continuing education.** The board shall use
 31.19 a committee, which may include nonboard members, to evaluate applications for course
 31.20 approval. The board may conduct random audits for the purpose of verifying continuing

31.21 education each reporting year. A licensee who is being audited must provide verification of
 31.22 the required number of continuing education hours by submitting documentation described
 31.23 in subpart 4. Failure to submit required documentation shall result in license renewal
 31.24 being considered void and constitute grounds for nonrenewal and disciplinary action.
 32.1 Subp. 6. **Sponsor's application for course approval Courses: board approval**
 32.2 **required.** Individuals, organizations, associations, corporations, educational institutions,
 32.3 or groups intending to offer courses for approval must submit to the board a completed
 32.4 application on a form provided by the board. The course sponsor must meet the
 32.5 requirements in items A to D to receive and maintain course approval. Continuing
 32.6 education activities must be approved by the board. Activities may be approved for all
 32.7 attendees when submitted by the sponsor as prescribed in subpart 7 or a licensee may
 32.8 request individual approval as prescribed in subpart 8.
 32.9 The board shall consider the following factors in determining whether an activity
 32.10 should be approved:
 32.11 A. The application for course approval must be submitted at least 60 days
 32.12 before the course is scheduled to begin and must include the sponsor's application for
 32.13 approval of a continuing education course fee specified in part 5300.0360, item I.
 32.14 B. The application for course approval must include the following information
 32.15 to enable the board to determine whether the course meets the standards for board
 32.16 approval specified in subpart 4:
 32.17 (1) a statement of the objectives of the course and the knowledge the
 32.18 participants will have gained upon completion of the course;
 32.19 (2) a description of the content and methodology of the course which will
 32.20 allow the participants to meet the objectives;
 32.21 (3) a description of the method to be used by the participants to evaluate
 32.22 the course;
 32.23 (4) a listing of the qualifications of each instructor or developer which
 32.24 shows the instructor's or developer's current knowledge and skill in the course's subject; and
 33.1 (5) a description of the certificate or other form of verification of attendance
 33.2 distributed to each participant upon successful completion of the course.
 33.3 C. If the board approves a course, it shall assign a number to the course. The
 33.4 approval remains in effect for one year from the date of initial approval. The board shall
 33.5 compile a list of approved courses at least once per calendar year. To retain course
 33.6 approval, a course sponsor must submit to the board a new application for course approval
 33.7 required in items A and B and the application fee for approval of a continuing education
 33.8 course required in part 5300.0360, item I, before the expiration of the one-year period.
 33.9 (1) Each sponsor of an approved course may announce, as to a course that
 33.10 has been approved by the board, that: "This course has been approved by the Minnesota
 33.11 Board of Marriage and Family Therapy for ... hours of credit."
 33.12 (2) The course sponsor must submit proposed changes in an approved
 33.13 course to the board for its approval.
 33.14 D. The board shall approve or disapprove a sponsor's application for course
 33.15 approval.
 33.16 E. The board shall deny approval of a course if it does not meet the standards in
 33.17 subpart 4. The board shall notify the course sponsor in writing of its reasons for denying
 33.18 approval of a course.
 33.19 F. The board shall revoke its approval of a course if a course sponsor fails to
 33.20 comply with item C and subpart 4, or if a course sponsor falsifies information requested
 33.21 by the board in the application for approval of a course.
 33.22 A. the activity's relevance to the therapeutic practices of marriage and family
 33.23 therapy;
 33.24 B. the activity's relevance to the development and maintenance of professional
 33.25 skills or marriage and family therapists;

34.1 C. whether the activity is structured on sound educational principles and fits
 34.2 into one of the following categories:
 34.3 (1) structured educational programs with an instructor as a part of
 34.4 conventions, workshops, seminars, lectures, interactive media, and graduate and
 34.5 postgraduate courses from regionally accredited institutions. All course work must include
 34.6 the areas described in item D; and
 34.7 (2) home study courses related to marriage and family therapy as described
 34.8 in item D. Programs must have an independently graded test component;
 34.9 D. relation of the activity's proposed topics to the body of marriage and family
 34.10 therapy knowledge, emphasizing systemic approaches or theory, research, or practice of
 34.11 psychotherapeutic work with couples or families;
 34.12 E. continuing education for marriage and family therapy that includes the
 34.13 following areas:
 34.14 (1) historical and theoretical foundations and contemporary conceptual
 34.15 directions of the field of marriage and family therapy;
 34.16 (2) assessment, diagnosis, and treatment in marriage and family therapy
 34.17 including both dysfunctional relationship patterns and cognitive, affective, behavioral, or
 34.18 nervous disorders;
 34.19 (3) family studies including the life cycle of the family, the process
 34.20 and modification of family structures over time, and issues related to ethnicity, race,
 34.21 socioeconomic status, culture, gender, and sexuality;
 34.22 (4) human development including human behavior, personality theory,
 34.23 sexuality, psychopathology, behavior pathology, and physical and mental impairments and
 34.24 disabilities that affect normal development;
 35.1 (5) ethics and professional studies covering legal responsibilities and
 35.2 liabilities of licensure, responsible business practices, clinical practice, research, family
 35.3 law, and confidentiality issues; and
 35.4 (6) supervision in marriage and family therapy including theories and
 35.5 practices;
 35.6 F. whether the instructors or developers of the activity are qualified by practical
 35.7 or academic experience to teach, lecture, make presentations, or develop courses; and
 35.8 G. whether the activity is at least one hour in length. Time for home study
 35.9 activities is based on developer's research on average time required for completion.
 35.10 Subp. 7. **A licensee's Sponsor's application for course approval.** Individuals,
 35.11 organizations, associations, corporations, educational institutions, or groups intending to
 35.12 offer a continuing education activity must submit to the board a completed application on
 35.13 a form provided by the board accompanied by the appropriate nonrefundable fee. The
 35.14 sponsor must comply with items A to D to receive activity approval.
 35.15 A. A licensee must apply individually for approval of continuing education
 35.16 courses that have not been approved by the board in subpart 6. The licensee must submit
 35.17 information required in item B, as well as other information the board reasonably requires
 35.18 to evaluate the course for approval.
 35.19 B. The following information must be submitted to the board, in addition to the
 35.20 form required in subpart 3, by the licensee:
 35.21 (1) the name and address of the organization sponsoring the course;
 35.22 (2) a detailed description of the course content;
 35.23 (3) the name of each instructor or presenter and the instructor's or
 35.24 presenter's credentials; and
 36.1 (4) the location, including the name and address of the facility, at which the
 36.2 course will be conducted.
 36.3 C. Licensees seeking approval for a course not previously approved by the
 36.4 board are strongly encouraged to seek board approval before attending the course.
 36.5 D. The board shall deny approval for a course if it does not meet the standards
 36.6 in subpart 4. The board shall notify the applicant in writing of its reasons for denying

- 36.7 ~~approval of a course under this subpart.~~
- 36.8 A. The application for approval must be submitted at least 60 days before
- 36.9 the activity is scheduled to begin.
- 36.10 B. The application must include the following information to enable the board to
- 36.11 determine whether the course meets the standards for board approval specified in subpart 6:
- 36.12 (1) a statement of the objectives of the activity and the knowledge the
- 36.13 participants will have gained upon completion of the activity;
- 36.14 (2) a description of the content and methodology of the activity which will
- 36.15 allow the participants to meet the objectives;
- 36.16 (3) a description of the method to be used by the participants to evaluate
- 36.17 the activity;
- 36.18 (4) a list of the qualifications of each instructor or developer that shows
- 36.19 current knowledge and skill in the activity's subject;
- 36.20 (5) a description of the certificate or other form of verification of attendance
- 36.21 distributed to each participant upon successful completion of the activity;
- 36.22 (6) a statement that the sponsor agrees to retain attendance lists for a period
- 36.23 of five years from the date the activity occurs; and
- 37.1 (7) a copy of any proposed advertisement or other promotional literature
- 37.2 for the activity.
- 37.3 C. If the board approves an activity, the sponsor shall receive a board approval
- 37.4 number. The approval remains in effect for one year from the date of initial approval.
- 37.5 Upon expiration, a sponsor must submit to the board a new application for activity
- 37.6 approval as required by subpart 1.
- 37.7 D. Materials advertising approved activities may include a statement that the
- 37.8 program has been approved by the Minnesota Board of Marriage and Family Therapy for
- 37.9 a certain number of continuing education hours.
- 37.10 E. The sponsor must submit proposed changes in an approved activity to the
- 37.11 board for its approval.
- 37.12 F. The board shall deny approval of an activity if it does not meet the criteria
- 37.13 in subpart 6. The board shall notify the sponsor in writing of its reasons for denying
- 37.14 approval of an activity.
- 37.15 G. The board shall revoke approval of an activity if a sponsor fails to comply
- 37.16 with this subpart, or if a sponsor falsifies information requested by the board in the
- 37.17 application for approval of an activity.
- 37.18 **Subp. 8. ~~Sources of credit~~ A licensee's application for course approval.**
- 37.19 ~~Continuing education credit may not be applied for marketing the business aspects of~~
- 37.20 ~~one's practice, time management, supervisory sessions, staff orientation, agency activities~~
- 37.21 ~~that address procedural issues, personal therapy, or other methods not structured on sound~~
- 37.22 ~~education principles or contrary to the code of ethics. Continuing education credit may be~~
- 37.23 ~~applied for the following programs that comply with the requirements of subpart 4:~~
- 37.24 ~~A. programs specifically listed in subpart 4, item B, subitems (1) and (2);~~
- 38.1 ~~B. teaching a marriage and family course in an institution accredited by a~~
- 38.2 ~~regional accrediting association. Continuing education hours may be earned only for the~~
- 38.3 ~~first time the licensee teaches the course. The course must be related to marriage and~~
- 38.4 ~~family therapy as described in subpart 4, item D, subitems (1) to (6). Ten continuing~~
- 38.5 ~~education hours may be earned for each semester credit hour taught;~~
- 38.6 ~~C. research of an original nature directly related to marriage and family therapy~~
- 38.7 ~~as described in subpart 4, item D, subitems (1) to (6). This activity must be preapproved~~
- 38.8 ~~by the board. Hours of credit for this activity shall be negotiated based on the nature of the~~
- 38.9 ~~project. Contact the board office for appropriate preapproval forms;~~
- 38.10 ~~D. authoring, editing, or reviewing in an area of marriage and family therapy as~~
- 38.11 ~~described in subpart 4, item D, subitems (1) to (6). Continuing education hours may be~~
- 38.12 ~~earned only in the year of publication. The maximum hours earned are as follows:~~
- 38.13 ~~(1) author of a professional book, 30 hours;~~

38.14 (2) author of a professional book chapter or journal article, 15 hours;
38.15 (3) editor of a professional book or journal, 25 hours; and
38.16 (4) journal article review, one hour per manuscript;
38.17 E. presentations at workshops, seminars, symposia, meetings of professional
38.18 organizations, or postgraduate institutes. The presentation must be related to marriage
38.19 and family therapy as described in subpart 4, item D, subitems (1) to (6). One hour
38.20 of development time equals one continuing education hour and up to three hours of
38.21 development time may be claimed for each hour of presentation. Continuing education
38.22 hours may be earned only for the licensee's first presentation on the subject developed; and
38.23 F. individually designed continuing education activity. Licensees may submit
38.24 proposals for continuing education activities which do not meet other guidelines
38.25 established within this part. The proposal request must include the following:
39.1 (1) the rationale for pursuing an individually designed activity;
39.2 (2) specific goals and objectives, and an explanation of how the goals and
39.3 objectives are related to the enhancement of the licensee's professional skills;
39.4 (3) an outline of the topics to be covered;
39.5 (4) a description of related resources and activities;
39.6 (5) the proposed documentation of completion of activity; and
39.7 (6) the estimate of time to be expended on the activity and the number of
39.8 continuing education hours requested. The board shall have final say in the number of
39.9 hours credited for completion of such activity.

39.10 Items D to F require preapproval. The applicant must obtain preapproval forms
39.11 from the board.

39.12 A. A licensee must apply individually for approval of continuing education
39.13 activities that have not been approved by the board. The licensee must submit information
39.14 required in item B, as well as other information the board deems necessary to evaluate
39.15 the course for approval.

39.16 B. A licensee shall complete and submit to the board, on a form provided
39.17 by the board, the following information:
39.18 (1) the name and address of the organization sponsoring the activity;
39.19 (2) a detailed description of the content of the activity;
39.20 (3) the name and credentials of each instructor or presenter; and
39.21 (4) the location, including the name and address of the facility, at which the
39.22 activity will be conducted.

39.23 C. Licensees seeking approval for an activity not previously approved by the
39.24 board are encouraged to seek board approval before attending the activity.

40.1 D. If the activity does not meet the standards in subpart 6, the board shall
40.2 deny approval. The board shall notify the licensee in writing of its reasons for denying
40.3 approval of an activity under this subpart.

40.4 Subp. 9. **Hours Sources of credit.** Continuing education shall be credited on an
40.5 hour for hour basis except as noted in subpart 8. "One hour" means at least 50 minutes
40.6 spent as a student in direct participation in a structured educational format. Continuing
40.7 education credit may be applied for the following programs that comply with the
40.8 requirements of subpart 6:

40.9 A. programs specifically listed in subpart 6, item C;

40.10 B. teaching a marriage and family course in an institution accredited by a
40.11 regional accrediting association. Continuing education hours may be earned only for a
40.12 single time the licensee teaches the course. The course must be related to marriage and
40.13 family therapy as described in subpart 6, item D. Ten continuing education hours may be
40.14 earned for each semester credit hour taught. Documentation of this activity will consist
40.15 of verification by the institution's department that the licensee taught the course for an
40.16 assigned number of credits or hours;

40.17 C. development and conducting of original research directly related to marriage

40.18 and family therapy as described in subpart 6, item D. This activity must be preapproved
40.19 by the board. Hours of credit for this activity shall be determined by the board based on
40.20 the nature of the project;
40.21 D. authoring, editing, or reviewing in an area of marriage and family therapy as
40.22 described in subpart 6, item D. Continuing education hours may be earned only in the year
40.23 of publication. The maximum hours earned are as follows:
40.24 (1) author of a professional book, 40 hours;
40.25 (2) author of a professional book chapter or journal article, 20 hours;
41.1 (3) editor of a professional book or journal, 40 hours; and
41.2 (4) journal article review, three hours per manuscript;
41.3 E. developing and delivering presentations at workshops, seminars, symposia,
41.4 meetings of professional organizations, or postgraduate institutes. The presentation
41.5 must be related to marriage and family therapy as described in subpart 6, item D. One
41.6 hour of development time equals one continuing education hour and up to three hours of
41.7 development time may be claimed for each hour of presentation. Continuing education
41.8 hours may be earned only for a single presentation by the licensee on the subject
41.9 developed; and
41.10 F. individually designed continuing education activity. Licensees may submit
41.11 proposals for continuing education activities that do not meet the guidelines in this part.
41.12 The proposal request must include the following:
41.13 (1) the rationale for pursuing an individually designed activity;
41.14 (2) specific goals and objectives, and an explanation of how the goals and
41.15 objectives are related to the enhancement of the licensee's professional skills;
41.16 (3) an outline of the topics addressed in the activity;
41.17 (4) a description of related resources and activities;
41.18 (5) the proposed documentation of completion of activity; and
41.19 (6) the estimate of time to be expended on the activity and the number of
41.20 continuing education hours requested. The board shall determine the number of hours
41.21 credited for completion of such activity.

41.22 Items D to F require preapproval. The applicant must obtain preapproval forms
41.23 from the board.
41.24 **Subp. 10. ~~Exemption from continuing education requirements~~ Hours of credit.**
41.25 **A licensee whose license has not expired and who meets any of the following conditions**
42.1 **~~is exempt from continuing education requirements in this part if the licensee files with the~~**
42.2 **~~board an affidavit specifying that the licensee:~~ Continuing education shall be credited on**
42.3 **~~an hour-for-hour basis except as noted in subpart 9.~~**
42.4 **~~A. is retired from practice and does not perform marriage and family therapy~~**
42.5 **~~services on a volunteer or free basis;~~**
42.6 **~~B. is permanently disabled and unable to practice marriage and family therapy,~~**
42.7 **~~accompanied by a notarized statement from the licensee's physician; or~~**
42.8 **~~C. has been granted emeritus status as specified in part 5300.0315.~~**
42.9 **Subp. 11. ~~Discontinuance of exemption from continuing education requirements~~**
42.10 **Exemption from continuing education requirements. A licensee claiming exemption**
42.11 **under subpart 10 who later decides to resume practice must submit to the board, before**
42.12 **resuming practice, a written notice that the licensee intends to resume practice. The**
42.13 **licensee must also submit evidence that the licensee has completed continuing education**
42.14 **requirements that are equivalent to what the requirements would have been without the**
42.15 **exemption for the five years or any portion of the five years immediately preceding the date**
42.16 **of the notice of intent to resume practice. A licensee whose license has not expired and who**
42.17 **meets any of the following conditions is exempt from continuing education requirements**
42.18 **in this part if the licensee files with the board an affidavit specifying that the licensee:**
42.19 **A. is retired from practice and does not perform marriage and family therapy**
42.20 **services on a volunteer or free basis;**

- 42.21 B. is permanently disabled and unable to practice marriage and family therapy,
42.22 accompanied by a notarized statement from the licensee's physician; or
42.23 C. has been granted emeritus status as specified in part 5300.0315.
42.24 Subp. 12. **Discontinuance of exemption from continuing education requirements.**
42.25 A licensee claiming exemption under subpart 11 who later decides to resume practice
43.1 must submit to the board, before resuming practice, a written notice that the licensee
43.2 intends to resume practice. The licensee must also submit evidence that the licensee has
43.3 completed continuing education requirements that are equivalent to what the requirements
43.4 would have been without the exemption for the five years or any portion of the five years
43.5 immediately preceding the date of the notice of intent to resume practice.

The Board's Rules Committee undertook a comprehensive review of the continuing education requirements for LMFTs in other states and for mental health care professionals in Minnesota. The proposed amendments reflect the Board's conclusions on continuing education for LMFTs in Minnesota.

With respect to subpart 1, the revision clearly sets forth the purpose of and policy behind continuing education.

With respect to subpart 2, the national trend has been increasing continuing education hours to maintain a sufficiently educated licensee base. The Board had been in the bottom quartile of states for the number of hours required for continuing education. With the increase from 30 to 40 hours of continuing education required every two years, Minnesota will be in the top half of states for the number of hours required. (See www.amftrb.org, Resources, Comparison Chart.) Moreover, the Board's requirements will also be more in-line with other Minnesota mental health care licensing boards. In 2006, the Minnesota Board of Behavioral Health and Therapy began requiring 40 hours of continuing education every two years. In 2013, the Minnesota Board of Psychology began requiring 40 hours of continuing education every two years. The Board also proposes to amend this section to add a requirement that three hours of continuing education address ethical and professional studies education. This reflects a national trend in education for LMFTs and a trend in education for mental health professionals in Minnesota.

With respect to subpart 3, the Board is clarifying the attestation requirements and simplifying the process for licensees.

With respect to subpart 4, the Board is clarifying the documentation requirements and simplifying the process for licensees. The Board is also removing the limitation that only 25 percent of a licensee's continuing education hours be through home study. This will allow licensees more flexibility in satisfying the continuing education hour requirements.

With respect to subpart 5, the Board is providing that it may conduct random audits of continuing education compliance. In subpart 6, the Board is setting forth the factors that will be used to determine if an activity will be approved. The Board is not narrowing the categories and types of activities that are allowed for continuing education; the amendments represent improvements on language choice that increase clarity and specificity for licensees seeking continuing education approval, better reflect the topics covered in MFT graduate programs, and remove obsolete terminology.

With respect to subpart 7, the Board is setting forth the requirements for a continuing education sponsor to receive Board approval for a continuing education activity. The Board is not narrowing the categories of activities that may be approved; it is amending the rule to better reflect the information the Board needs to determine if continuing education hours should appropriately be granted for the activity.

With respect to subpart 8, the Board is setting forth the requirements for a licensee to receive continuing education approval for a course that has not previously received Board approval. The Board is not narrowing the categories of activities that may be approved; it is amending the rule to better reflect the information the Board needs to determine if continuing education hours should appropriately be granted for the course.

With respect to subpart 9, the Board is specifying the types of non-course activities for which a licensee may receive continuing education credit. Moreover, the Board is also increasing the number of hours of credit that may be claimed for certain activities and specifying the type of activities that would receive approval. Again, the Board is not narrowing the categories of activities that may be approved.

With respect to subpart 10, the Board is specifying that credit hours will be awarded on an hour-for-hour basis except as specified in subpart 9.

With respect to subpart 11, the Board is clarifying the Board's current process of allowing an exemption from continuing education for licensees who are retired, permanently disabled, or have emeritus status. With respect to subpart 12, the Board is clarifying that an individual who qualifies for an exemption under subpart 11 must then meet current continuing education requirements if he or she decides to return to practice.

Many of these amendments are based on the continuing education requirements and parameters of other mental health licensing boards in Minnesota, including the Minnesota Board of Behavioral Health and Therapy and the Minnesota Board of Psychology.

Housekeeping Amendment: Minn. Rule 5300.0330 Refusal to Grant License, Suspension, or Revocation of License

43.6 5300.0330 REFUSAL TO GRANT LICENSE, SUSPENSION, OR REVOCATION

43.7 OF LICENSE.

- 43.8 Subpart 1. **Board authority.** The board shall refuse to grant a license, or shall
- 43.9 suspend, revoke, condition, limit, qualify, or restrict the license of an individual according
- 43.10 to Minnesota Statutes, sections 148B.05 and 148B.37, subdivision 1.
- 43.11 Subp. 2. **Conviction of crime.** According to Minnesota Statutes, section 148B.37,
- 43.12 subdivision 1, clause (2), the crimes that the board shall determine to be of a nature to
- 43.13 render the convicted individual unfit to practice marriage and family therapy consist of
- 43.14 the crimes described in Minnesota Statutes, sections 144.227, 151.37, 152.021, 152.022,
- 43.15 152.023, 152.024, 152.025, 152.027, 609.185, 609.19, 609.195, 609.20, 609.205,
- 43.16 609.2112, 609.2113, 609.2114, 609.215, 609.221, 609.222, 609.223, 609.2231, 609.224,
- 43.17 609.231, 609.235, 609.24, 609.245, 609.25, 609.255, 609.26, 609.265, 609.342, 609.343,
- 43.18 609.344, 609.345, 609.3451, 609.352, 609.365, 609.48, 609.485, 609.498, 609.50,
- 43.19 609.507, 609.52, 609.561, 609.562, 609.563, 609.582, 609.595, 609.625, 609.66, 609.713,
- 43.20 and 609.79, and Minnesota Statutes 2012, section 609.21.

43.21 Subp. 3. **Probation.** The board may place a licensee on probation under the
 43.22 following circumstances:
 43.23 A. in lieu of, or in addition to, any order of the board suspending, revoking,
 43.24 or otherwise acting against the license of any licensee; or
 43.25 B. as a condition of restoring any license suspended, revoked, or otherwise
 43.26 acted against by the board.
 44.1 Subp. 4. **Suspended or revoked license; return to the board.** A licensee whose
 44.2 license has been suspended or revoked must return the license and evidence of current
 44.3 license renewal to the board office by registered or certified mail postmarked within three
 44.4 days after the effective date of the board's order of suspension or revocation. Failure
 44.5 to return the license and evidence of current license renewal is grounds for the board's
 44.6 denial of any subsequent restoration of a license according to Minnesota Statutes, section
 44.7 148B.37, subdivision 2.
 44.8 Subp. 5. **Restoring a license.** The board shall restore a license according to
 44.9 Minnesota Statutes, section 148B.37, subdivision 2. A licensee whose license has been
 44.10 revoked or suspended and subsequently restored by the board must comply with the
 44.11 requirements for reinstatement in part 5300.0300 and must pay the penalty fee in part
 44.12 ~~5300.0360, item J~~ Minnesota Statutes, section 148B.17, subdivision 2.

This amendment reflects a correction in the citation to the controlling authority for penalty fees.

Housekeeping Amendment: Minn. Rule 5300.0340 Variance

44.13 **5300.0340 VARIANCE.**
 44.14 Subpart 1. **Variance; when allowed.** A licensee or applicant may petition the board
 44.15 in writing for a variance from rules in parts 5300.0100 to 5300.0360 this chapter, except
 44.16 ~~for a if the rule which~~ incorporates a statutory requirement. A variance shall be granted if
 44.17 the board determines that the licensee or applicant has specified alternative practices or
 44.18 measures equivalent to or superior to the rule in question and if the licensee or applicant
 44.19 provides evidence that:

44.20 *[For text of items A to C, see M.R.]*

44.21 *[For text of subp 2, see M.R.]*

44.22 Subp. 3. **Alternatives must be followed.** ~~Any~~ A licensee or applicant who is
 44.23 granted a variance must comply with the alternative practices or measures specified in the
 44.24 petition for the variance.
 45.1 Subp. 4. **Renewal; Notice of change; revocation.** ~~If required by the board, a variance~~
 45.2 ~~shall be renewed upon petition for a renewal of the variance at the time specified by the~~
 45.3 ~~board when granting the variance if the circumstances justifying the variance continue to~~
 45.4 ~~exist, their existence is not due to failure to comply with the correction of these conditions,~~
 45.5 ~~and if all of the requirements of subparts 1, 2, and 3 are met.~~ A licensee or applicant who
 45.6 has been granted a variance must immediately notify the board of any material change
 45.7 in the circumstances that justified the variance. A variance shall be revoked if there is a
 45.8 material change in the circumstances ~~which~~ that justified the granting of the variance.

45.9 *[For text of subp 5, see M.R.]*

45.10 Subp. 6. **Notice of variance; denial; revocation.** The board shall notify the licensee
 45.11 or applicant in writing when the board grants, denies, ~~renews~~, or revokes a variance. The
 45.12 notice must specify the reasons for the action. If a variance is granted, the notification

- 45.13 must state the period of time for which the variance is effective, if required, and must state
45.14 alternative practices or measures the licensee or applicant must meet..

The majority of these amendments represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

The revisions to subpart 4 require the licensee to notify the Board if the circumstances justifying the variance have changed. This revision better reflects the manner in which the Board grants and manages variances and is more efficient.

Ethics Amendment: Minn. Rule 5300.0350

45.15 5300.0350 CODE OF ETHICS.

- 45.16 Subpart 1.**Scope.** The code of ethics applies to all ~~licensees and applicants~~ providers
45.17 who practice marriage and family therapy and applies to their conduct during the period of
45.18 education ~~and~~ and training, ~~and~~ and employment required for licensure.
45.19 Subp. 2.**Purpose.** The code of ethics constitutes the standards ~~against~~ by which the
45.20 professional conduct of a ~~provider of marriage and family therapist therapy~~ provider is measured.
45.21 Subp. 3.**Violations.** A violation of the code of ethics is ~~unprofessional or unethical~~
45.22 ~~conduct and is~~ conduct and is a sufficient reason for disciplinary action, corrective action, or denial of
45.23 licensure.
45.24 Subp. 3a.**Conflicts.** If the provider's work setting requirements conflict with the
45.25 marriage and family therapy code of ethics, the provider shall clarify the nature of the
46.1 conflict, make known the requirement to comply with the marriage and family therapy
46.2 code of ethics, and seek to resolve the conflict in a manner that results in compliance with
46.3 the marriage and family therapy code of ethics.
46.4 Subp. 4.**Integrity.** A provider of marriage and family ~~therapist therapy~~ therapist must act
46.5 in accordance with the highest standards of professional integrity and competence. A
46.6 ~~marriage and family~~ therapist must be honest in dealing with clients, students, trainees,
46.7 colleagues, and the public.
46.8 A. A therapist must ~~not perform, nor pretend to be able to perform, limit~~
46.9 practice to the professional services beyond the therapist's field or fields of for which they
46.10 have competence or for which they are developing competence. When the therapist is
46.11 developing a competence in a service, the therapist shall obtain professional education,
46.12 training, continuing education, consultation, supervision, experience, or a combination
46.13 thereof necessary to demonstrate competence. If a complaint is submitted alleging a
46.14 violation of this subpart, the therapist must demonstrate that the elements of competence
46.15 have reasonably been met.

46.16 *[For text of item B, see M.R.]*

- 46.17 C. A therapist must recognize the potentially influential position the therapist
46.18 may have with respect to students, interns, employees, and supervisees, and must avoid
46.19 exploiting the trust and dependency of these persons. A therapist must make every effort
46.20 to avoid ~~and~~ multiple relationships that could impair the therapist's professional judgment
46.21 or increase the risk of exploitation. Sexual contact between the therapist and students,
46.22 employees, ~~independent contractors, colleagues, interns~~ or supervisees is prohibited for
46.23 two years after the date that the relationship is terminated, whether or not the party is
46.24 informed that the relationship is terminated. Sexual contact after two years with a former
46.25 student, intern, employee, or supervisee is prohibited:

46.26 *[For text of subitems (1) and (2), see M.R.]*

47.1 D. A therapist must not engage in sexual contact or other harassment,
 47.2 therapeutic deception, or exploitation of students, trainees, interns, employees,
 47.3 ~~independent contractors, colleagues,~~ research subjects, or actual or potential witnesses or
 47.4 complainants in ethical proceedings.
 47.5 E. A therapist must not use or exploit the professional relationship with a student,
 47.6 trainee, intern, employee, ~~independent contractor, colleague,~~ research subject, or actual or
 47.7 potential witness or complainant in ethical proceedings in any manner for the therapist's
 47.8 emotional, financial, sexual, religious, political, or personal advantage or benefit.
 47.9 F. A therapist must recognize the limitations to the scope of practice of marriage
 47.10 and family therapy. When the needs of a client appear to be outside this scope, a therapist
 47.11 must inform the client that there are other professional, technical, community, and
 47.12 administrative resources available to ~~clients~~ the client. The therapist must make referrals
 47.13 to those resources when it is in the best interest of ~~clients~~ the client to be provided with
 47.14 alternative or complementary services. The therapist must make a reasonably prompt
 47.15 referral when requested to do so by the client, without consideration of limitation of
 47.16 third-party payors.

47.17 *[For text of items G to I, see M.R.]*

47.18 J. A therapist must seek appropriate professional assistance for the therapist's
 47.19 own personal problems or conflicts that are likely to impair the therapist's work
 47.20 performance and clinical judgment. During any period where the therapist is unable to
 47.21 practice with reasonable skill and safety, the therapist shall either promptly terminate the
 47.22 professional relationship with all clients or shall make arrangements for other health
 47.23 providers to provide services that are needed by a client during the period of impairment.

47.24 *[For text of items K to Q, see M.R.]*

48.1 R. A therapist must make certain that the qualifications of a person in a
 48.2 therapist's employ, or under the therapist's supervision, is ~~a student, independent~~
 48.3 ~~contractor, or an intern~~ represented in a manner that is not false, misleading, or deceptive.
 48.4 S. A therapist must pursue knowledge of new developments and maintain
 48.5 competence in marriage and family therapy through education, training, or supervised
 48.6 experience.
 48.7 T. A therapist shall maintain current knowledge on the use and impacts of
 48.8 technology in providing, documenting, training, and supervising marriage and family
 48.9 therapy, in order to safeguard the welfare of clients, trainees, interns, and supervisees.
 48.10 ~~S.U.~~ S.U. A therapist must not engage in any unprofessional conduct. Unprofessional
 48.11 conduct is any conduct violating this part or violating those standards of professional
 48.12 behavior any conduct that fails to conform to minimum standards of acceptable and
 48.13 prevailing practice that have become established by consensus of the expert opinion of
 48.14 marriage and family therapists as reasonably necessary for the protection of the public
 48.15 interest.
 48.16 Subp. 5. **Relations to clients.** ~~A marriage and family~~ therapist's primary professional
 48.17 responsibility is to the client. ~~A marriage and family~~ therapist must make every reasonable
 48.18 effort to advance the welfare and best interests of families and individuals. ~~A marriage~~
 48.19 ~~and family~~ therapist must respect the rights of those persons seeking assistance and make
 48.20 reasonable efforts to ensure that the therapist's services are used appropriately. ~~A marriage~~
 48.21 therapist is bound by these ethics primarily. ~~These ethics supersede any policies of an~~
 48.22 ~~employer or contractor that may be contrary to the ethics in this part.~~
 48.23 A. Once a client has been accepted into therapy, a therapist must not
 48.24 discriminate on the basis of ~~age, sex, race, national origin, religion, physical disability,~~
 48.25 ~~political affiliation, or social or economic status. In addition, a therapist must not~~
 48.26 ~~discriminate on the basis of affectional preference, or choice of lifestyle~~ race, age,

49.1 ethnicity, socioeconomic status, disability, gender, health status, religion, national origin,
49.2 sexual orientation, gender identity, or relationship status. A therapist or client may
49.3 terminate professional services unless prohibited by law or court order. When unable to
49.4 offer services for any reason, a therapist shall make an appropriate referral.
49.5 B. A therapist must recognize the potentially influential position the therapist
49.6 may have with respect to clients, and must avoid exploiting the trust and dependency of
49.7 clients. A therapist must make every effort to avoid ~~dual~~ multiple relationships with clients
49.8 that could impair the therapist's professional judgment or increase the risk of exploitation.
49.9 C. A therapist must ~~be careful to~~ truthfully represent to clients facts regarding
49.10 services rendered.

49.11 *[For text of item D, see M.R.]*

49.12 E. A therapist must not engage in any sexual contact or other physical intimacies
49.13 behavior with a client. Sexual ~~contact~~ behavior with a former client is prohibited for
49.14 two years after termination of services whether informed or not that the relationship is
49.15 terminated. Sexual ~~contact~~ behavior after two years with a former client is prohibited:
49.16 (1) if the former client was emotionally dependent upon the therapist; or
49.17 (2) if the sexual ~~contact~~ behavior occurred by means of therapeutic
49.18 deception.

49.19 *[For text of items F to L, see M.R.]*

49.20 M. In the course of professional practice, a therapist must ~~not violate any law~~
49.21 comply with all laws concerning the reporting of abuse of children under Minnesota
49.22 Statutes, section 626.556 and or neglect of minors or vulnerable adults under Minnesota
49.23 Statutes, section 626.557.
49.24 N. A therapist must display prominently on the premises of the ~~therapist's~~
49.25 professional practice or make available as a handout the bill of rights of clients, including
50.1 a statement that consumers of marriage and family therapy services offered by marriage
50.2 and family therapists licensed by the state of Minnesota have the right:
50.3 (1) to expect that a therapist has met the minimal qualifications of
50.4 education, training, and experience required by state law;
50.5 (2) to examine public records maintained by the Board of Marriage and
50.6 Family Therapy which that contain the credentials of a therapist;
50.7 ~~(3) to obtain a copy of the code of ethics from the State Register and~~
50.8 ~~Public Documents Division, Department of Administration, 117 University Avenue,~~
50.9 ~~Saint Paul, MN 55155;~~
50.10 ~~(4) (3) to report complaints to the Board of Marriage and Family Therapy;~~
50.11 ~~University Park Plaza Building, 2829 University Avenue SE, Suite 330, Minneapolis,~~
50.12 ~~MN 55414 3222;~~
50.13 ~~(5) (4) to be informed of the cost of professional services before receiving~~
50.14 ~~the services;~~
50.15 ~~(6) (5) to privacy as defined and limited by rule and law;~~
50.16 ~~(7) (6) to be free from being the object of unlawful discrimination on the~~
50.17 ~~basis of race, religion, gender, or other unlawful category while receiving services;~~
50.18 ~~(8) (7) to have access to their records as provided in Minnesota Statutes,~~
50.19 ~~section 144.292 sections 144.291 to 144.298, except as otherwise provided by law or prior~~
50.20 ~~written agreement; and~~
50.21 ~~(9) (8) to be free from exploitation for the benefit or advantage of a therapist.~~
50.22 O. A therapist must, upon request from the client, provide information regarding
50.23 the procedure for filing a complaint with the board.
51.1 P. Prior to commencing therapy through electronic means (e.g., telephone or
51.2 electronic methodologies), a therapist must:

51.3 (1) determine that electronic therapy is appropriate for the client, taking
51.4 into account the client's physical, emotional, and intellectual needs;
51.5 (2) inform clients of the potential risks and benefits associated with
51.6 electronic therapy, including but not limited to, issues of confidentiality, clinical
51.7 limitations, transmission difficulties, and ability to respond to emergencies; and
51.8 (3) ensure the security of the communication medium, and ensure such
51.9 practice complies with all legal requirements.

51.10 Subp. 6. **Confidentiality and keeping of records.** A marriage and family therapist
51.11 must ~~hold in confidence~~ safeguard all private information obtained in the course of
51.12 professional services. A marriage and family therapist ~~must safeguard client confidences~~
51.13 may disclose client information only as permitted by law and rule.

51.14 A. A therapist, and employees and professional associates of the therapist, must
51.15 not disclose any private information ~~that the therapist, employee, or associate may have~~
51.16 acquired in rendering professional services except as provided in by Minnesota Statutes,
51.17 sections 148B.11, subdivision 3, and 148B.39 law and rule. All other private information
51.18 ~~must may~~ be disclosed only with the informed consent of the client, except disclosure
51.19 of private information may occur without the consent of the client when disclosure is
51.20 necessary to protect against a clear and substantial risk of imminent serious harm being
51.21 inflicted by the client on the client or another individual, including the therapist, or as
51.22 otherwise provided by law, rule, or court order. In such case, the private information is
51.23 to be disclosed only to law enforcement agencies, the potential victim, the family of the
51.24 client, or appropriate third parties in a position to prevent or avert the harm.

51.25 B. A therapist must be responsible for informing clients of the limits of
51.26 confidentiality.

52.1 C. For purposes of safeguarding confidentiality, when seeing a couple or a
52.2 family, a therapist must define who the "client" is as soon as it is possible to determine the
52.3 client. For example, the therapist must define whether the couple or family, as a unit, is
52.4 the client or whether the individuals who make up the couple or family are the clients. The
52.5 therapist must disclose the limitations, if any, to each client's right to privacy.

52.6 D. When seeing a couple or a family, a therapist must inform the client, at the
52.7 beginning of the relationship, what the therapist's procedures are for handling confidences
52.8 from individual members of the family and for protecting individuals' privacy while
52.9 safeguarding the integrity of the therapy process.

52.10 E. A therapist shall inform a minor client, to the extent that the client can
52.11 understand, that the law imposes limitations on the right of privacy of the minor with
52.12 respect to the minor's communications with the therapist.

52.13 ~~E~~ F. Whenever marriage and family therapy services are requested or paid
52.14 for by one client for another, the therapist must inform both clients of the therapist's
52.15 responsibility to treat any information gained in the course of rendering the services as
52.16 private information.

52.17 ~~F~~ G. A therapist must limit access to client records and must inform every
52.18 individual associated with the agency or facility of the therapist, such as a staff member,
52.19 student, or volunteer, that access to client records must be limited to only the therapist
52.20 with whom the client has a professional relationship, an individual associated with the
52.21 agency or facility whose duties require access, and an individual authorized to have access
52.22 by the informed written consent of the client.

52.23 ~~G~~ H. A therapist must continue to maintain as private information the records of
52.24 a client after the professional relationship between the therapist and the client has ceased.
52.25 The therapist must store and dispose of records in ways that maintain confidentiality.

53.1 ~~H~~ I. A therapist must disclose to the board and its agents client records ~~that the~~
53.2 ~~board and its agents consider to be germane to a disciplinary proceeding as required by~~
53.3 Minnesota Statutes, sections 148B.11 and 148B.39.

53.4 ~~I~~ J. A therapist must obtain written, informed consent from each client
53.5 before electronically recording sessions with that client or before permitting third-party

53.6 ~~supervisory~~ observation of their sessions. The consent form should specify the purpose
 53.7 and proposed audience for the recording.
 53.8 ~~J K.~~ A therapist must disguise adequately the identity of a client when using
 53.9 material derived from a counseling relationship for purposes of supervision, training,
 53.10 research, professional meetings, or publications, unless the therapist has obtained a signed
 53.11 release of information.
 53.12 ~~K L.~~ A client who is the recipient of marriage and family therapy services
 53.13 has the right to access ~~the records related to the service~~ and release private information
 53.14 maintained by the licensee on that therapist, including client records, as provided in
 53.15 Minnesota Statutes, ~~section 144.292~~ sections 144.291 to 144.298, provided the records
 53.16 are not classified as confidential under Minnesota Statutes, section 13.84, or except as
 53.17 otherwise provided by law or court order. A ~~marriage and family~~ therapist must maintain
 53.18 an accurate record for each client. Each record must minimally contain:
 53.19 (1) a client personal data record which shall include the presenting problem;
 53.20 (2) a treatment plan with a diagnosis ~~and justification for it~~ and treatment
 53.21 goals and any subsequent revision;

53.22 *[For text of subitems (3) to (5), see M.R.]*

53.23 (6) copies of all client ~~authorization~~ authorizations for release of
 53.24 information and any other ~~legal~~ forms pertaining to the client including documentation
 53.25 of informed consent; and

54.1 *[For text of subitem (7), see M.R.]*

54.2 Subp. 7. **Research.** A ~~marriage and family~~ therapist must conduct research activities
 54.3 with full respect for the rights and dignity of participants and with full concern for their
 54.4 welfare ~~according to the requirements of the "Ethical Principles of Psychologists, General~~
 54.5 ~~Principle 9: Research with Human Participants," American Psychological Association,~~
 54.6 ~~as amended June 2, 1989. These requirements are incorporated by reference and are not~~
 54.7 ~~subject to frequent change. The requirements were published in "American Psychologist"~~
 54.8 ~~March 1990, Volume 45, Number 3, pages 390-395. They are available through the~~
 54.9 ~~Minitex interlibrary loan system. Participation in research is voluntary. A therapist must~~
 54.10 inform participants of the aspects of the research that might reasonably be expected to
 54.11 influence willingness to participate. A therapist must inform a research participant of the
 54.12 ability to decline participation in or to withdraw from a research study at any time.

The Board's Rules Committee undertook a comprehensive review of the code of ethics rule. With the proposed revisions, the Board is updating the rule to reflect current trends in ethics education, remove obsolete language, model ethical standards set forth in the code of ethics of the Minnesota Board of Psychology and the Minnesota Board of Behavioral Health and Therapy, and reflect national standards for ethical practice. The Board also seeks to clarify the ethics requirements so licenses have notice of the requirements and to reduce litigation costs should the Board need to take action to enforce ethical standards of practice. The amendments not specifically discussed below represent improvements on language choice that increase clarity and specificity and remove obsolete terminology.

With respect to subpart 3a, the Board sets forth rules about how to manage conflicts between the Board's code of ethics and workplace requirements.

With respect to subpart 4(A), the Board sets forth rules about how to manage professional services when developing competence in an area covered by the service. The Board had received

numerous inquiries about this topic in the past. The Board modeled its language on that set forth in the American Association for Marriage and Family Therapy Code of Ethics. (Ex. A, Standard III, §3.6.)

With respect to subpart 4(J), the Board sets forth rules about the obligation to terminate services during a period of impairment. This subpart is modeled after rules promulgated by the Minnesota Board of Psychology and the Minnesota Board of Behavioral Health and Therapy.

With respect to subpart 4(S), the Board sets forth the Board's expectation of ongoing development of therapy skill sets and knowledge bases.

With respect to subpart 4(T), the Board modeled this provision on the American Association for Marriage and Family Therapy's code of ethics. The Board sets forth the obligation to maintain current knowledge about the appropriate use of technology in the practice of therapy.

With respect to subpart 5(P), the Board is setting forth in rule guidelines for the use of electronic therapy. E-therapy is already occurring in all 50 states and with other mental health care professionals in Minnesota. The Board proposes this rule to codify the expectation that the standards for e-therapy are the same as those for in-person therapy. Moreover, the Board proposes to codify the factors used to determine if e-therapy is appropriate under the circumstances. The Board modeled its language on that set forth in the American Association for Marriage and Family Therapy Code of Ethics. (Ex. A, Standard VI, § 6.1)

With respect to subpart 6(A), the Board is setting forth common law about permission to disclose.

With respect to subpart 6(E), the Board is setting forth the expectation that therapists will discuss with minor clients the limits on the minor's right to privacy.

With respect to subpart 7, the Board is removing a reference to obsolete literature and setting forth the current standard for disclosure to research participants. The "reasonably be expected to influence" standard is both a national standard and a standard applicable to other mental health care providers in Minnesota.

ATR Amendment: Minn. Rule 5300.0355 Assessment, Tests, Reports

- 54.13 **5300.0355 ASSESSMENTS, TESTS, REPORTS.**
- 54.14 **Subpart 1. Basis for assessments.** When a therapist conducts assessments within the
- 54.15 scope of the therapist's training and experience, the therapist must meet the requirements
- 54.16 in items A to C.
- 54.17 A. The therapist shall base an assessment on records, information, observations,
- 54.18 and techniques sufficient to substantiate clinical findings.
- 54.19 B. Except as permitted in item C, the therapist shall render opinions regarding
- 54.20 individuals only after the therapist has conducted an examination of the individual that
- 54.21 is adequate to support the therapist's statements or conclusions, unless an examination
- 54.22 is not practical despite reasonable efforts.
- 54.23 C. The therapist may limit assessments to reviewing records or providing
- 54.24 testing services when an individual examination is not warranted or necessary for the

- 54.25 opinion requested.
- 55.1 Subp. 2. **Administration and interpretation of tests.** Therapists shall use tests as
- 55.2 described in items A to E.
- 55.3 A. Standardized tests are preferred over nonstandardized tests.
- 55.4 B. All tests must be administered and responses must be recorded, scored, and
- 55.5 interpreted based on practice or scientific foundations.
- 55.6 C. If a test is used in a nonstandard manner, the limitations of the test and the
- 55.7 reasons for its nonstandard use must be clearly stated in the report.
- 55.8 D. A test's reliability, validity, and normative data must be taken into account in
- 55.9 its selection, use, and interpretation.
- 55.10 E. The reliability and validity of test statements and interpretations in reports
- 55.11 are the responsibility of the therapist, including when automated testing services are used.
- 55.12 Subp. 3. **Reports.** The provision of a written or oral report, including testimony of a
- 55.13 therapist as an expert witness and letters to third parties concerning the mental, behavioral,
- 55.14 or emotional health or state of a client, must be based on information and techniques
- 55.15 sufficient to substantiate the therapist's findings. The therapist shall be fair and accurate
- 55.16 and shall guard against making unsubstantiated statements or providing unsubstantiated
- 55.17 opinions, interpretations, or recommendations in a report. The report must include:
- 55.18 A. a description of all assessments, evaluations, or other procedures, including
- 55.19 materials reviewed, upon which the therapist's conclusions are based;
- 55.20 B. any reservations or qualifications concerning the validity or reliability of the
- 55.21 opinions and conclusions formulated and recommendations made, taking into account the
- 55.22 conditions under which the procedures were carried out, including any nonstandard use
- 55.23 of a test, the limitations of scientific procedures and descriptions, base rate and baseline
- 55.24 considerations, and the impossibility of absolute predictions;
- 56.1 C. a statement concerning any discrepancy, disagreement, or inconsistent or
- 56.2 conflicting information regarding the circumstances of the case that may have a bearing on
- 56.3 the therapist's conclusions;
- 56.4 D. a statement of the nature of and reasons for any use of a test that differs
- 56.5 from the purposes, populations, or referral questions for which it has been designed or
- 56.6 validated, or that is administered, recorded, scored, or interpreted in other than a standard
- 56.7 and objective manner; and
- 56.8 E. a statement indicating whenever any test interpretation or report conclusion
- 56.9 is not based on direct contact between the therapist and the client.
- 56.10 Subp. 4. **Private information.** A test result or interpretation regarding an individual
- 56.11 is private information.
- 56.12 **REPEALER.** Minnesota Rules, parts 5300.0210; and 5300.0240, subpart 5, are repealed.

The Board proposes to add this rule to reflect standards for assessments, use of tests, and provision of reports in the practice of marriage and family therapy. The Board based the inclusion of this rule on (1) methodologies currently taught in graduate programs; (2) rule language from the Minnesota Board of Psychology (Minn. Rule 7200.5010) and the Minnesota Board of Behavioral Health and Therapy (Minn. Rule 2150.7565); and (3) national standards.

The Board proposes to repeal Minn. Rule 5300.0210 because it related to a concurrent application for licensure and exam process that is obsolete under the Board's current processes and new rule amendments.

The Board also proposes to repeal Minn. Rule 5300.0240, subpart 5, because it related to Board's notification process for admission to the examination. The Board's process was updated several years ago to provide a more timely notification so this provision is now obsolete.

LIST OF EXHIBITS

In support of the need and reasonableness of the proposed rules, the Board anticipates it will enter the exhibit(s) referenced above into the record.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

February 17, 2016
Date

/s/ Jennifer Mohlenhoff
Jennifer Mohlenhoff
Executive Director
Minnesota Board of Marriage and Family
Therapy